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BILL 41

Government
Publications

XB

-B 56

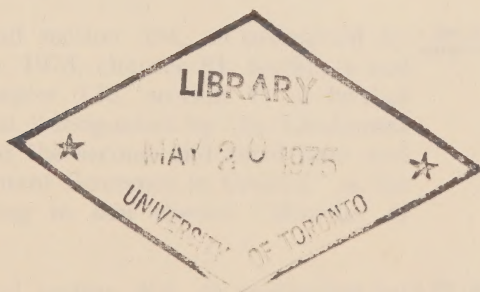
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

107

Ontario, Legislative Assembly

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 302 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 302,
re-enacted

302. The council of every local municipality in each year shall levy in the manner set out in *The Ontario Unconditional Grants Act, 1975*, on the whole of the assessment for real property and business assessment, according to the last revised assessment roll, a sum equal to the aggregate of the sums adopted under section 307. Rates
1975, c. . . .

- 2.—(1) Subsection 1 of section 304 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 81, section 1 and amended by 1973, chapter 83, section 4, is further amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fifth and sixth lines and inserting in lieu thereof “Minister of Colleges and Universities”. s. 304 (1),
amended
- (2) Subsection 2 of the said section 304, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4 and amended by 1974, chapter 136, section 7, is further amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fourth line and inserting in lieu thereof “Minister of Correctional Services”. s. 304 (2),
amended
- (3) Subsection 3 of the said section 304, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out “designated by the Lieutenant Governor in Council” in the second and third lines and by striking out “Lieutenant Governor in Council” in the fifth line and inserting in lieu thereof “Minister of Health”. s. 304 (3),
amended

s. 304 (3a),
amended

- (4) Subsection 3a of the said section 304, as enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is amended by striking out "designated by the Lieutenant Governor in Council" in the second and third lines and by striking out "Lieutenant Governor in Council" in the fifth line and inserting in lieu thereof "Minister of Community and Social Services".

s. 304 (3b),
re-enacted

- (5) Subsection 3b of the said section 304, as enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is repealed and the following substituted therefor:

Applica-
tion

1974, c. 2

(3b) A designation of an institution previously made under this section by the Lieutenant Governor in Council shall continue in force and shall be deemed to be a designation of an institution made by the appropriate minister pursuant to this section and a designation of a facility under *The Developmental Services Act, 1974* previously made in 1975 by the Lieutenant Governor in Council pursuant to subsection 3a and the determination made by the Minister of Community and Social Services pursuant to that subsection shall continue to apply in respect of 1974 and a levy made in 1975 upon such designated facilities may be in respect of both 1974 and 1975.

s. 304,
amended

- (6) The said section 304, as amended by the Statutes of Ontario, 1971, chapter 81, section 1, 1973, chapter 83, section 4 and 1974, chapter 136, section 7, is further amended by adding thereto the following subsections:

Annual levy
on provincial
educational
institutions

(3c) Notwithstanding any general or special Act, the council of a local municipality, in which there is situate a provincial education institution designated by the Minister under whose jurisdiction such institution falls, may pass by-laws to levy an annual amount payable on or after the 1st day of July upon such institution, not exceeding the sum of \$50 a year for each place in such institution as determined by the aforesaid Minister.

Annual levy
on agri-
cultural
research
stations

(3d) Notwithstanding any general or special Act, the council of a local municipality, in which there is situate an agricultural research station designated by the Minister of Agriculture and Food, may pass by-laws to levy upon such research station an annual amount, payable on or after the 1st day of July, not to exceed,

- (a) \$5 per acre for each of the first 100 acres occupied by each such research station and \$2 per acre for each acre in excess of 100 acres occupied by each such research station up to 10,000 acres and

\$0.50 per acre in excess of 10,000 acres occupied by each such station; or

(b) \$100,

whichever is greater.

- (7) Subsection 4 of the said section 304, as re-enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is repealed. s. 304 (4),
repealed
- (8) Notwithstanding the repeal of subsection 4 of section 304 of *The Municipal Act* by subsection 7 of this section, an amount levied by a municipality in 1975 in respect of the year 1974 upon a facility under *The Developmental Services Act, 1974* shall not exceed one-quarter of the total amount of taxes levied on all real property and business assessment in that municipality for all purposes other than school purposes in 1973. Proviso
R.S.O. 1970,
c. 284
1974, c. 2
- (9) Subsection 5 of the said section 304, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is amended by striking out "or 3a" in the second line and inserting in lieu thereof "3a, 3c or 3d". s. 304 (5),
amended
- (10) Subsection 6 of the said section 304, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 7, is amended by striking out "or 3a" in the second line and inserting in lieu thereof "3a, 3c or 3d". s. 304 (6),
amended
- (11) Subsection 8 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4 and amended by 1974, chapter 136, section 7, is further amended by striking out "or 3a" in the amendment of 1974 and inserting in lieu thereof "3a, 3c or 3d". s. 304 (8),
amended
- (12) Subsection 10 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by adding at the end thereof "and for the purposes of this subsection and subsection 9, the County of Oxford shall be deemed to be a regional municipality". s. 304 (10),
amended
- (13) Subsection 11 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by inserting after "board" in the fourth line "or county". s. 304 (11),
amended
- (14) The said section 304 is further amended by adding thereto the following subsection: s. 304,
amended

Exclusion
of taxes
added to
collector's
roll under
R.S.O. 1970,
c. 32, s. 43

(12b) In determining taxes levied on commercial and industrial assessment under subsection 12, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304 (13),
amended

(15) Subsection 13 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "section 7 of *The Regional Municipal Grants Act*" in the fifth and sixth lines and inserting in lieu thereof "section 7 of *The Ontario Unconditional Grants Act, 1975*".

s. 307 (2),
amended

3. Subsection 2 of section 307 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 9, is further amended by striking out "but shall not make any allowance for payments to be received during the current year under section 7 of *The Municipal Unconditional Grants Act*" in the eighth, ninth and tenth lines.

Commence-
ment

4.—(1) This Act, except section 1, subsection 7 of section 2 and section 3, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1, subsection 7 of section 2 and section 3, shall be deemed to have come into force on the 1st day of January, 1975.

Short title

5. This Act may be cited as *The Municipal Amendment Act, 1975*.

An Act to amend
The Municipal Act

1st Reading

April 8th, 1975

2nd Reading

April 17th, 1975

3rd Reading

April 17th, 1975

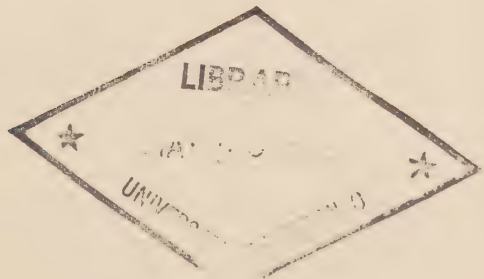
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

An Act to establish Matrimonial Property Rights

MR. BOUNSALL



EXPLANATORY NOTE

The purpose of this Bill is to recognize that marriage is an equal partnership and upon a divorce or nullity, the total value of the combined assets of the husband and wife acquired during the marriage shall be divided equally between them.

BILL 42

1975

An Act to establish Matrimonial Property Rights

WHEREAS marriage is a partnership in which both Preamble
 husband and wife work together as equals, and one
 spouse's contribution to the joint undertaking, in running
 the home and looking after the children is just as valuable
 as that of the other spouse in providing the home and
 supporting the family.

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. In this Act,

Interpre-
tation

- (a) "child" means any child of the husband or wife or
 of both of them whether or not the husband and
 wife are married and "children" has a correspond-
 ing meaning;
- (b) "matrimonial home" includes the contents of the
 home.

2. Except where so ordered by a court of competent juris- Disposal
of
matrimonial
home
 diction, a husband or a wife shall not dispose of a matrimonial
 home without the consent of the other spouse.

3.—(1) Subject to subsection 2, upon a divorce or a nullity Community
of assets
 of a marriage, the total value of the combined assets of the
 husband and wife acquired during the marriage shall be
 equally divided between them.

(2) Except for the income produced or the capital apprecia- Gifts and
inheritance
not part
of assets
 tion from the gift or inheritance, the value of any gift or
 inheritance received by the husband or wife during the
 marriage shall not be included in their combined assets.

(3) Except where the husband and wife agree in writing, Children
not to
share
 no child shall share in a division of assets upon a divorce or
 a nullity of a marriage.

Claim
against
total
assets

4.—(1) Where the individual increase in the assets of a husband or wife is less than half of the total increase in assets of both the husband and wife during the marriage, the husband or wife, as the case may be, shall have a claim against the total assets of both of them acquired during the marriage.

Debts and
liabilities
deducted

(2) All unpaid debts and liabilities incurred during the marriage for the purpose of sustaining the marriage or any child shall be first deducted from the combined assets of the husband and wife when calculating a division of assets under subsection 1 of section 2.

Periodic
payments

(3) Except where the immediate payment of a claim under subsection 1 would render impossible the successful continuation of a farm or business enterprise, provision for periodic payments may be made to a husband or wife, as the case may be, and such payments shall be equal in amount, at least yearly and over a period not to exceed three years from the date of the final decree of nullity or divorce.

Remarriage

(4) A payment under subsection 3 shall not be affected by the subsequent remarriage of the husband or wife.

Limitation
on gifts

5.—(1) Except where a husband and wife agree, no husband or wife shall make a gift or gifts to another person or persons such that the total of the gift or gifts exceeds 3 per cent of the individual assets of the husband or wife, as the case may be.

Calculation
of
percentage

(2) For the purpose of calculating the percentage under subsection 1, the greatest value of the assets of the husband or wife during the one year period immediately prior to the commencement of the action for nullity or divorce shall be used.

Application
to common-
law union

6. Where a man and a woman hold themselves out as being man and wife and have lived together for a continuous period of at least six years without children or for a continuous period of at least two years where there are children, the provisions of this Act shall apply to the man and the woman as if they were husband and wife.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Matrimonial Property Rights Act, 1975*.

An Act to establish
Matrimonial Property Rights

1st Reading

April 8th, 1975

2nd Reading

3rd Reading

MR. BOUNSALL

(Private Member's Bill)

CA20N

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BILL 43

Government
Publications

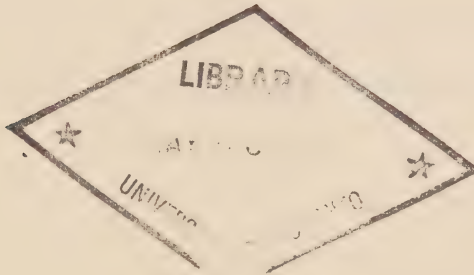
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5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Expropriations Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Expropriations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Expropriations Act*, being chapter 154 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

s. 30a,
enacted

30a. Where the owner of land consents to the acquisition of the land by a statutory authority, the statutory authority or the owner, with the consent of the other, may apply to the Board for the determination of the compensation to which the owner would be entitled by this Act if the land were expropriated, and the Board may determine the compensation and the provisions of this Act and the regulations respecting the determination of compensation, hearings and procedures, including costs and appeals, apply thereto in the same manner as if the land had been expropriated and for the purpose, subject to any agreement of the parties, the compensation shall be assessed as of the date on which the consent to the acquisition is given.

Arbitration
where no
expropriation

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Expropriations Amendment Act, 1975*.

Commence-
ment

Short title

An Act to amend
The Expropriations Act

1st Reading

April 14th, 1975

2nd Reading

April 29th, 1975

3rd Reading

April 29th, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N

XB

-B 56

BILL 44

Government
Publications

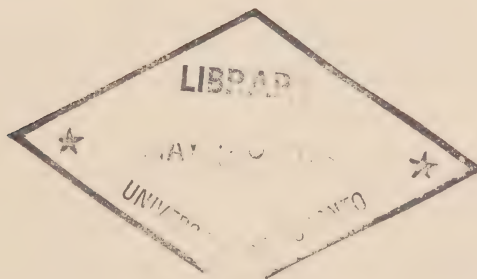
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

The Liquor Control Act, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill continues the Liquor Control Board to perform the present functions of the Liquor Control Board concerned with the marketing of liquor by manufacturers and the operation of government stores.

BILL 44

1975

The Liquor Control Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "beer", "liquor", "spirits", "wine" and "Ontario wine" have the same meaning as in *The Liquor Licence Act, 1975*; c. . .
- (b) "Board" means the Liquor Control Board of Ontario continued under section 2;
- (c) "government store" means a store established or authorized under this Act by the Board for the sale of spirits, beer or Ontario wine;
- (d) "manufacturer" means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;
- (e) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as the Lieutenant Governor in Council may designate.

2.—(1) The Liquor Control Board of Ontario is continued and shall consist of not more than five members appointed by the Lieutenant Governor in Council.

Liquor
Control
Board
continued

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be re-appointed for further succeeding terms not exceeding five years each.

Terms of
office

(3) The Lieutenant Governor in Council shall designate one of the members to be Chairman of the Board and may designate one of the members to be Vice-Chairman of the Board.

Chairman
and Vice-
Chairman

Acting
Chairman

(4) In case of the absence or illness of the Chairman or there being a vacancy in the Office of the Chairman, the Vice-Chairman or, if none, such director as the Board designates for such purpose shall act as and have all the duties and powers of the Chairman.

Remunera-
tion of
members

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Seat in
Assembly
not vacated

R.S.O. 1970,
c. 240

(6) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the Chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Power and
purposes of
Board

3. The purposes of the Board are, and it has power,

- (a) to buy, import and have in its possession for sale, and to sell, liquor;
- (b) to control the sale, transportation and delivery of liquor;
- (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
- (d) to establish government stores for the sale of liquor to the public;
- (e) to authorize manufacturers of beer or Ontario wine to sell their beer or Ontario wine to the public in stores owned and operated by the manufacturers and to authorize Brewers' Warehousing Company Limited to operate stores for the sale of beer to the public;
- (f) to control and supervise the marketing methods and procedures of manufacturers including the operation of government stores by persons authorized under clause *e*;
- (g) subject to *The Liquor Licence Act, 1975*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;

1975, c. . . .

- (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
- (i) to fix the prices at which the various classes, varieties and brands of liquor are to be sold and, except in the case of liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all government stores; R.S.C. 1970,
c. E-13
- (j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold;
- (k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;
- (l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;
- (m) to require manufacturers of liquor to furnish such samples of their products to the Board as the Board may require;
- (n) to do all things necessary for the management and operation of the Board in the conduct of its business.

4.—(1) The Chairman shall preside at all meetings of the Board, or, in his absence, or if the office of Chairman is vacant, the Vice-Chairman has all the powers and shall perform all the duties of the Chairman. Duties of
Chairman

(2) The Chairman shall be the chief executive of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as is necessary for the due performance of their duties as members of the Board. Idem

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may employ such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment. Staff

Employees' superannuation benefits
R.S.O. 1970, c. 387

(4) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Board as though the Board had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Corporation
R.S.O. 1970, c. 89

(5) The Board is a corporation to which *The Corporations Act* does not apply.

Payment of costs from revenues

5.—(1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board.

Payments into Consolidated Revenue Fund

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Financial statements

(3) The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss.

Reports to Treasurer

(4) The Board shall submit to the Treasurer of Ontario, at such times as he may prescribe, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he may prescribe.

Audit

6. The accounts and financial transactions of the Board shall be audited annually by the Provincial Auditor.

Annual reports

7.—(1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Board shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) governing the sale and distribution of liquor by manufacturers;
- (b) governing the manner in which liquor may be kept, stored or transported by manufacturers;
- (c) prescribing standards for liquor sold in Ontario by manufacturers;

- (d) prescribing the days and hours when government stores or any class of them may be open;
- (e) requiring manufacturers to furnish the Board with such returns and information respecting the sale of liquor as is prescribed;
- (f) prescribing forms for the purposes of this Act and providing for their use.

9. The following are repealed:

Repeals

1. *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970.
2. *The Liquor Control Amendment Act, 1971*, being chapter 36.
3. *The Liquor Control Amendment Act, 1971*, being chapter 88.
4. *The Liquor Control Amendment Act, 1973*, being chapter 69.
5. Paragraph 18 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

11. This Act may be cited as *The Liquor Control Act*, 1975.

Short title

The Liquor Control Act, 1975

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

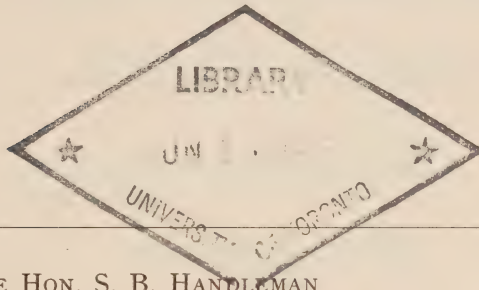
THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

The Liquor Control Act, 1975



THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill continues the Liquor Control Board to perform the present functions of the Liquor Control Board concerned with the marketing of liquor by manufacturers and the operation of government stores.

The Liquor Control Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "beer", "liquor", "spirits", "wine" and "Ontario wine" have the same meaning as in *The Liquor Licence Act, 1975*; 1975, c. . . .
- (b) "Board" means the Liquor Control Board of Ontario continued under section 2;
- (c) "government store" means a store established or authorized under this Act by the Board for the sale of spirits, beer or wine;
- (d) "manufacturer" means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;
- (e) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as the Lieutenant Governor in Council may designate.

2.—(1) The Liquor Control Board of Ontario is continued and shall consist of not more than five members appointed by the Lieutenant Governor in Council. Liquor
Control
Board
continued

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be re-appointed for further succeeding terms not exceeding five years each. Terms of
office

(3) The Lieutenant Governor in Council shall designate one of the members to be Chairman of the Board and may designate one of the members to be Vice-Chairman of the Board. Chairman
and Vice-
Chairman

Acting
Chairman

(4) In case of the absence or illness of the Chairman or there being a vacancy in the Office of the Chairman, the Vice-Chairman or, if none, such director as the Board designates for such purpose shall act as and have all the duties and powers of the Chairman.

Remunera-
tion of
members

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Seat in
Assembly
not vacated
R.S.O. 1970,
c. 240

(6) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the Chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Power and
purposes of
Board

3. The purposes of the Board are, and it has power,

- (a) to buy, import and have in its possession for sale, and to sell, liquor and other products containing alcohol and non-alcoholic beverages;
- (b) to control the sale, transportation and delivery of liquor;
- (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
- (d) to establish government stores for the sale of liquor to the public;
- (e) to authorize manufacturers of beer or Ontario wine to sell their beer or Ontario wine to the public in stores owned and operated by the manufacturers and to authorize Brewers' Warehousing Company Limited to operate stores for the sale of beer to the public;
- (f) to control and supervise the marketing methods and procedures of manufacturers including the operation of government stores by persons authorized under clause *e*;
- (g) subject to *The Liquor Licence Act, 1975*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;

1975, c. . . .

- (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
- (i) to fix the prices at which the various classes, varieties and brands of liquor are to be sold and, except in the case of liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all government stores; R.S.C. 1970,
c. E-13
- (j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold;
- (k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;
- (l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;
- (m) to require manufacturers of liquor to furnish such samples of their products to the Board as the Board may require;
- (n) to do all things necessary for the management and operation of the Board in the conduct of its business.

4.—(1) The Chairman shall preside at all meetings of the Board, or, in his absence, or if the office of Chairman is vacant, the Vice-Chairman has all the powers and shall perform all the duties of the Chairman. Duties of
Chairman

(2) The Chairman shall be the chief executive of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as is necessary for the due performance of their duties as members of the Board. Idem

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may employ such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment. Staff

Employees' superannuation benefits
R.S.O. 1970, c. 387

(4) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Board as though the Board had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Corporation
R.S.O. 1970, c. 89

(5) The Board is a corporation to which *The Corporations Act* does not apply.

Payment of costs from revenues

5.—(1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board.

Payments into Consolidated Revenue Fund

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Financial statements

(3) The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss.

Reports to Treasurer

(4) The Board shall submit to the Treasurer of Ontario, at such times as he may prescribe, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he may prescribe.

Audit

6. The accounts and financial transactions of the Board shall be audited annually by the Provincial Auditor.

Annual reports

7.—(1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Board shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) governing the sale and distribution of liquor by manufacturers;
- (b) governing the manner in which liquor may be kept, stored or transported by manufacturers;
- (c) prescribing standards for liquor sold in Ontario by manufacturers;

- (d) prescribing the days and hours when government stores or any class of them may be open;
- (e) requiring manufacturers to furnish the Board with such returns and information respecting the sale of liquor as is prescribed;
- (f) prescribing forms for the purposes of this Act and providing for their use;
- (g) governing the purchase of liquor under a permit issued by the Liquor Licence Board and requiring the payment of fees on such purchases and prescribing the amounts thereof.

9. The following are repealed:

Repeals

- 1. *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970.
- 2. *The Liquor Control Amendment Act, 1971*, being chapter 36.
- 3. *The Liquor Control Amendment Act, 1971*, being chapter 88.
- 4. *The Liquor Control Amendment Act, 1973*, being chapter 69.
- 5. Paragraph 18 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

11. This Act may be cited as *The Liquor Control Act*, Short title
1975.

The Liquor Control Act, 1975

1st Reading

April 15th, 1975

2nd Reading

June 3rd, 1975

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

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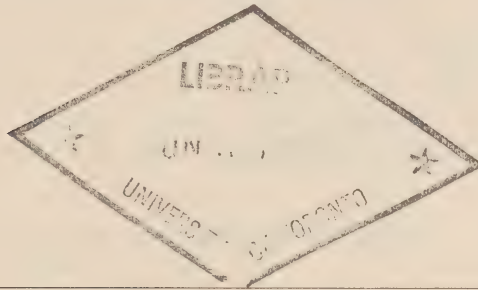
BILL 44

Governor
in Council

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

The Liquor Control Act, 1975



THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 44

1975

The Liquor Control Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "beer", "liquor", "spirits", "wine" and "Ontario wine" have the same meaning as in *The Liquor Licence Act, 1975*, c....
- (b) "Board" means the Liquor Control Board of Ontario continued under section 2;
- (c) "government store" means a store established or authorized under this Act by the Board for the sale of spirits, beer or wine;
- (d) "manufacturer" means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;
- (e) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as the Lieutenant Governor in Council may designate.

2.—(1) The Liquor Control Board of Ontario is continued and shall consist of not more than five members appointed by the Lieutenant Governor in Council.

Liquor
Control
Board
continued

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be re-appointed for further succeeding terms not exceeding five years each.

Terms of
office

(3) The Lieutenant Governor in Council shall designate one of the members to be Chairman of the Board and may designate one of the members to be Vice-Chairman of the Board.

Chairman
and Vice-
Chairman

Acting
Chairman

(4) In case of the absence or illness of the Chairman or there being a vacancy in the Office of the Chairman, the Vice-Chairman or, if none, such director as the Board designates for such purpose shall act as and have all the duties and powers of the Chairman.

Remunera-
tion of
members

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Seat in
Assembly
not vacated
R.S.O. 1970,
c. 240

(6) Notwithstanding anything in *The Legislative Assembly Act*, the appointment of the Chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly.

Power and
purposes of
Board

3. The purposes of the Board are, and it has power,

- (a) to buy, import and have in its possession for sale, and to sell, liquor and other products containing alcohol and non-alcoholic beverages;
- (b) to control the sale, transportation and delivery of liquor;
- (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
- (d) to establish government stores for the sale of liquor to the public;
- (e) to authorize manufacturers of beer or Ontario wine to sell their beer or Ontario wine to the public in stores owned and operated by the manufacturers and to authorize Brewers' Warehousing Company Limited to operate stores for the sale of beer to the public;
- (f) to control and supervise the marketing methods and procedures of manufacturers including the operation of government stores by persons authorized under clause e;
- (g) subject to *The Liquor Licence Act, 1975*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;

1975, c. . . .

- (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
- (i) to fix the prices at which the various classes, varieties and brands of liquor are to be sold and, except in the case of liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all government stores; R.S.C. 1970,
c. E-13
- (j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold;
- (k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;
- (l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;
- (m) to require manufacturers of liquor to furnish such samples of their products to the Board as the Board may require;
- (n) to do all things necessary for the management and operation of the Board in the conduct of its business.

4.—(1) The Chairman shall preside at all meetings of the Board, or, in his absence, or if the office of Chairman is vacant, the Vice-Chairman has all the powers and shall perform all the duties of the Chairman. Duties of
Chairman

(2) The Chairman shall be the chief executive of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as is necessary for the due performance of their duties as members of the Board. Idem

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may employ such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment. Staff

Employees' superannuation benefits
R.S.O. 1970, c. 387

(4) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Board as though the Board had been designated by the Lieutenant Governor in Council under section 27 of that Act.

Corporation
R.S.O. 1970, c. 89

(5) The Board is a corporation to which *The Corporations Act* does not apply.

Payment of costs from revenues

5.—(1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board.

Payments into Consolidated Revenue Fund

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Financial statements

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Reports to Treasurer

(4) The Board shall submit to the Treasurer of Ontario, at such times as he may prescribe, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he may prescribe.

Audit

6. The accounts and financial transactions of the Board shall be audited annually by the Provincial Auditor.

Annual reports

7.—(1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports

(2) The Board shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require.

Regulations

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- (a) governing the sale and distribution of liquor by manufacturers;
- (b) governing the manner in which liquor may be kept, stored or transported by manufacturers;
- (c) prescribing standards for liquor sold in Ontario by manufacturers;

- (d) prescribing the days and hours when government stores or any class of them may be open;
- (e) requiring manufacturers to furnish the Board with such returns and information respecting the sale of liquor as is prescribed;
- (f) prescribing forms for the purposes of this Act and providing for their use;
- (g) governing the purchase of liquor under a permit issued by the Liquor Licence Board and requiring the payment of fees on such purchases and prescribing the amounts thereof.

9. The following are repealed:

Repeals

- 1. *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970.
- 2. *The Liquor Control Amendment Act, 1971*, being chapter 36.
- 3. *The Liquor Control Amendment Act, 1971*, being chapter 88.
- 4. *The Liquor Control Amendment Act, 1973*, being chapter 69.
- 5. Paragraph 18 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

11. This Act may be cited as *The Liquor Control Act*, 1975.

Short title

The Liquor Control Act, 1975

1st Reading

April 15th, 1975

2nd Reading

June 3rd, 1975

3rd Reading

June 3rd, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

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BILL 45

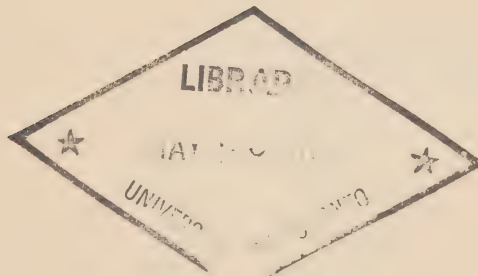
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

The Liquor Licence Act, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill re-establishes the Liquor Licence Board to perform all the licensing functions, including those now performed by the Liquor Control Board. The Bill is a companion to a Bill to enact *The Liquor Control Act, 1975* which deals with liquor marketing functions. The Bill also contains all the inspection and offence provisions.

The principal changes are:

1. provision is made for licensing procedures and for hearings, review and appeals;
2. the offences are revised and simplified.

The Liquor Licence Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol;
- (b) “beer” means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water;
- (c) “Board” means the Liquor Licence Board established under section 2;
- (d) “government store” means a government store as established under *The Liquor Control Act, 1975*; 1975, c. ...
- (e) “licence” means a licence issued under this Act;
- (f) “liquor” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other matter;
- (g) “manufacturer” means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;

- (h) “Minister” means the Minister of Consumer and Commercial Relations;
- (i) “municipality” means a city, town, village or township;
- (j) “Ontario wine” means,
 - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or
 - (ii) wine produced by the alcoholic fermentation of Ontario honey with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine;
- (k) “permit” means a permit issued under this Act;
- (l) “regulations” means the regulations made under this Act;
- (m) “sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and “sale” has a corresponding meaning;
- (n) “spirits” means any beverage that contains alcohol obtained by distillation;
- (o) “Tribunal” means the Liquor Licence Appeal Tribunal established under section 14;
- (p) “wine” means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk.

Liquor
Licence
Board
established

2.—(1) The Liquor Licence Board is established and shall consist of not more than seven members appointed by the Lieutenant Governor in Council.

Chairman,
vice-
chairmen

(2) The Lieutenant Governor in Council may designate one of the members of the Board as chairman and one or more of the members as vice-chairmen.

(3) The members of the Board shall be appointed to ^{Term} hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

(4) The members of the Board shall be paid such ^{Remuneration} salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.

(5) The chairman shall be the chief executive officer ^{Duties of chairman} of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as may be necessary for the due performance of their duties as members of the Board.

(6) The Board is a corporation to which *The Corporations Act* does not apply. ^{Corporation R.S.O. 1970, c. 89}

(7) The Board shall perform such duties as are assigned ^{Duties} to it by or under this and any other Act and shall administer and enforce this Act and the regulations.

(8) Subject to the approval of the Lieutenant Governor ^{Staff} in Council, the Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

(9) The revenues of the Board shall be paid to the ^{Finances} Treasurer of Ontario and the moneys required for the expenditures of the Board shall, until the 1st day of April, 1975, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

3.—(1) Subject to subsection 2, the assets, liabilities ^{Transfer of assets and obligations} and obligations of the Liquor Licence Board of Ontario, under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, existing immediately before this Act comes into force, are vested in and bind the Crown.

(2) Every contract or agreement, including collective ^{Preservation of employment agreements} agreements, respecting the employees of the Liquor Licence Board of Ontario under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and existing immediately before this Act comes into force continues and is binding on the Liquor Licence Board established by this Act.

(3) Subject to *The Crown Employees Collective Bargaining Act, 1972*, the bargaining unit in which the employees of the ^{Bargaining unit and agent continued 1972, c. 67}

Liquor Licence Board of Ontario are included under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, and the bargaining agent therefor, continue in respect of the employees of the Liquor Licence Board under this Act.

Licences and permits for sale of liquor

4.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit issued by the Board.

Exception for beer and wine stores 1975, c. . . .

(2) Subsection 1 does not apply to the sale of liquor by or under the authority of the Liquor Control Board of Ontario under *The Liquor Control Act, 1975*.

Transfer of licences

(3) A licence issued under this section may be transferred, subject to the approval of the Board, on the application of the transferee.

Temporary transfers

(4) The Board may approve the transfer of a licence for a period of not more than six months, to permit the orderly disposition of licensed premises by a trustee in bankruptcy, receiver or liquidator authorized by statute or a court for the purpose and section 6 does not apply.

Manufacturer's licence to sell

5.—(1) The Board may, subject to the approval of the Minister, issue a licence authorizing the manufacturer of spirits, beer or Ontario wine to keep for sale, offer for sale or sell such spirits, beer or Ontario wine to the Liquor Control Board of Ontario under *The Liquor Control Act, 1975* and the decision of the Board to issue or to refuse to issue a licence, with the approval of the Minister, is final.

Conditions

(2) A licence under subsection 1 may be issued subject to such terms or conditions as are prescribed in the licence or by the regulations.

Licence to sell other than by manufacturer

6.—(1) An applicant for a licence, or for approval of the transfer of a licence other than a licence referred to in section 5, is entitled to be issued the licence or have the transfer approved except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (c) the applicant is a corporation and,

- (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty, or
 - (iii) a majority of the members of the board of directors are not Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (d) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty;
- (e) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations;
- (f) the premises and accommodation, equipment and facilities in respect of which the licence is issued do not comply with the provisions of this Act and the regulations applicable thereto;
- (g) in the case of an application for a licence, the issuance of the licence is not in the public interest having regard to the needs and wishes of the public in the municipality in which the premises is located.
- (2) No licence shall be issued under this section or renewed Where issue of licence prohibited and no approval of the transfer of a licence shall be given,
- (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;
 - (b) to a manufacturer of liquor, or his agent, or to a person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
 - (c) to a person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or

- (d) for premises in which a manufacturer of liquor has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Publication
of notice of
application

(3) Where an application is made for a licence under this section and, subject to compliance with clause *g* of subsection 1, the applicant is not disentitled, the Board shall advertise the fact of the application, the nature of the licence applied for and the location of the premises at least twice in a newspaper having general circulation in the municipality in respect of which the licence is applied for and shall fix in the advertisement a time and place in the licensing district for the residents of the municipality to make representations to the Board concerning the application.

Public
representa-
tion

(4) The Board or such member or members thereof as are designated by the chairman shall hold a public meeting in accordance with the notice under subsection 3 for the purpose of receiving the representations referred to therein and shall take such representations into consideration for the purposes of this section.

Expiry

7.—(1) A licence issued under section 4 or 5 expires two years after its issuance or latest renewal, subject to renewal by the Board in accordance with this Act and the regulations.

First
renewal of
existing
licences

(2) The first renewal of a licence continued under section 9 may be made for a term fixed by the Board, being not less than one year and not more than two years.

Continuance
pending
renewal

(3) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the order has become final.

Special
occasion
permits

8.—(1) Subject to the regulations, the Board may issue a permit authorizing the holder thereof to keep for sale, offer for sale, sell or serve liquor on a special occasion.

(2) An applicant for a permit for a special occasion that complies with the regulations is entitled to be issued the permit except upon the grounds set out in clause *d*, *e* or *f* of subsection 1 of section 6 and subsections 1 and 2 of section 6 apply in respect of permits, *mutatis mutandis*, in the same way as they apply in respect of licences. ^{Issuance}

(3) A permit may be issued by an officer of the Board designated by the Board for the purpose and such officer shall refer to the Board every application for a permit or renewal that he proposes to refuse. ^{Idem}

9.—(1) Every licence and permit issued by the Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, and subsisting immediately before this Act comes into force continues in effect, subject to this Act, until it expires or is otherwise terminated. ^{Continuation of licences and permits}

(2) Every application for a licence or permit made to the Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and undisposed of when this Act comes into force is continued and shall be dealt with by the Board in accordance with this Act. ^{Continuation of applications}

10.—(1) The Board may at any time review a licence or permit on its own initiative and attach such further terms and conditions as, it considers proper to give effect to the purposes of this Act. ^{Imposition of new terms and conditions}

(2) The Board may, on the application of the holder of a licence or permit, remove any term or condition to which the licence or permit is made subject under subsection 1 where there is a change of circumstances. ^{Removal of terms and conditions}

11.—(1) Subject to section 12, the Board may refuse to issue or approve the transfer of a licence under section 6 or to issue a permit under section 8 where, in the Board's opinion, the applicant is not entitled to a licence or permit under the provisions applicable thereto. ^{Refusal to issue}

(2) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 5 for any reason referred to in clauses *e* and *f* of subsection 1 of section 6 or where the licensee is in breach of a term or condition of his licence. ^{Idem}

(3) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 6 for any reason that would disentitle the licensee ^{Revocation, suspension or refusal to renew}

to a licence under section 6 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

Voluntary
cancellation

(4) The Board may cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

Revocation
of permits

(5) Subject to section 12, the Board may revoke a permit issued under section 8 for any reason that would disentitle the holder to a permit if he were an applicant, or where the holder of the permit is in breach of a term or condition of the permit.

Notice of
proposal

12.—(1) Where the Board proposes,

- (a) to refuse to issue a licence or permit, renew a licence or approve the transfer of a licence;
- (b) to suspend or revoke a licence or permit; or
- (c) to attach terms and conditions to a licence or permit or to refuse to remove a term or condition of a licence or permit under section 10,

it shall serve notice of its proposal together with written reasons therefor on the applicant or holder of the licence or permit affected.

Interim
suspension

(2) Where the Board proposes to suspend or revoke a licence or permit the Board may, where the Board considers it to be necessary in the public interest, by order temporarily suspend the licence or permit and the order shall take effect immediately and where a hearing is required expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Board or Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Notice
requiring
hearing

(3) A notice under subsection 1 shall inform the applicant or holder of the licence or permit that he is entitled to a hearing by the Board if he mails or delivers to the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing.

Powers of
Board
where no
hearing

(4) Where an applicant or holder of the licence or permit does not require a hearing by the Board in accordance with subsection 3, the Board may carry out the proposal stated in its notice under subsection 1.

13.—(1) Where the Board is required to hold a hearing under section 12, the chairman of the Board shall refer the application to two or more members of the Board designated by the chairman, who shall constitute the Board for the purposes of the hearing and decision. Members holding hearing

(2) The Board shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, and upon any other person appearing to the Board to have an interest in the application. Notice of hearing

(3) Every person upon whom notice of a hearing is served and any other person added by the Board is a party to the proceedings. Parties

(4) Each member of the Board has power to administer oaths and affirmations for the purpose of any of its proceedings. Oaths

(5) The Board shall hold the hearing and give its decision and reasons therefor in writing to the parties to the proceedings. Decision and reasons

(6) An order of the Board revoking or suspending a licence or permit takes effect immediately unless otherwise provided in the order but, where a hearing by the Tribunal is required, the Tribunal may grant a stay until the Tribunal makes its decision. Stay

14.—(1) The Liquor Licence Appeal Tribunal is established and shall consist of not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen. Liquor Licence Appeal Tribunal

(2) The members of the Tribunal shall be appointed to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each. Term of office

(3) The members of the Tribunal shall be paid such salaries or other remuneration as may be fixed by the Lieutenant Governor in Council. Remuneration

(4) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require. Duties of chairman

(5) Three members of the Tribunal constitute a quorum. Quorum

Publication of decisions	(6) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor.
Oaths	(7) Each member of the Tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings.
Hearing by Tribunal	15. —(1) Any party to a proceeding before the Board under section 13 who is aggrieved by the decision of the Board may, within fifteen days after he is served with the decision of the Board, mail or deliver to the Board and the Tribunal a notice in writing requiring a hearing by the Tribunal.
Idem	(2) Any person to whom a notice is given under section 12 may require a hearing by the Tribunal by giving notice in accordance with subsection 1 notwithstanding that he has not first required a hearing by the Board.
Powers of Tribunal	(3) Where an applicant or holder of the licence or permit requires a hearing by the Tribunal in accordance with subsection 1, the Tribunal shall appoint a time for and hold the hearing and may by order confirm, alter or revoke the decision of the Board or direct the Board to take such action as the Tribunal considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Board.
Conditions of order	(4) The Tribunal may attach such terms and conditions to its order or to the licence or permit as it considers proper to give effect to the purposes of this Act.
Parties	(5) The Board, the applicant or the holder of the licence or permit who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.
Members holding hearing not to have taken part in investigation, etc.	16. —(1) A member of the Tribunal holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.
Opportunity to comply	(2) Notice of a hearing under section 15 shall afford the applicant or holder of the licence or permit a reasonable opportunity to show or achieve compliance before the

hearing with all lawful requirements for the renewal or retention of the licence or permit.

(3) An applicant or holder of the licence or permit who is a party to proceedings under section 15 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the content of which will be given in evidence at the hearing. Examination of documentary evidence

(4) The oral evidence taken before the Tribunal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(5) The findings of fact of the Tribunal pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact
1971. c. 47

(6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(7) Documents and things put in evidence at a hearing of the Tribunal shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

(8) Notwithstanding any limitation of time for the giving of a notice requiring a hearing by the Tribunal and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited and may give such directions as it considers proper consequent upon such extension. Extension of time for notice requiring hearing

(9) The Tribunal shall give its decision and reasons therefor in writing to the parties to the proceedings. Reasons

(10) An order of the Tribunal revoking or suspending a licence or permit takes effect immediately but, where an appeal is made to the Supreme Court, the court may grant a stay until the disposition of the appeal. Stay

17.—(1) Any notice required to be given or served in connection with proceedings of or before the Board or the Tribunal is sufficiently given or served if delivered Service

personally or sent by registered mail addressed to the person to whom delivery or service is required to be made.

Where
service
deemed
to be
made

(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

Exception

(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.

Decision of
Tribunal
re issuance
final

18. The decision of the Tribunal respecting the issuance of or refusal to issue a licence or permit or refusal to approve the transfer of a licence is final.

Appeal from
decision to
revoke, etc.

19.—(1) Any party to proceedings before the Tribunal respecting the revocation, suspension or refusal to renew a licence or permit, or the imposition of or refusal to remove a term or condition of a licence or permit may appeal from the decision of the Tribunal to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law only.

"Equity
share"
defined

20.—(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.

Notice of
transfer of
shares

(2) Every licence or permit holder that is a corporation shall notify the Board in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock where such issue or transfer results in,

- (a) any shareholder and shareholders associated with him acquiring or accumulating at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or
- (b) any shareholder and shareholders associated with him who already owns 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

(3) In calculating the total number of equity shares ^{Idem} of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

(4) Where a licence or permit holder that is a corporation ^{Idem} is aware that a transfer which comes within the provisions of subsection 2 has taken place, it shall notify the Board in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer.

(5) For the purposes of subsection 2, a shareholder shall ^{Associated shareholder} be deemed to be associated with another shareholder if,

- (a) one shareholder is a company of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses *a* to *e* with the same shareholder.

(6) Where, in the opinion of the Board, an issue or ^{Application of s. 4 (3)} transfer of equity shares of capital stock of a licensed corporation results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue or transfer shall be deemed to be a change of ownership and unless transferred under subsection 3 of section 4, the licence ceases to exist.

21. The Minister may by order appoint a person to make ^{Investigation by Minister} an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation,

1971, c. 49

the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

Investigation by Board

22.—(1) Where, upon a statement made under oath, the Board believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970, c. C-34

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for a licence or permit under this Act,

the Board may, by order, appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Board.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the premises of such person, not including any premises or part thereof occupied as living accommodation, and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

(4) Where a provincial judge is satisfied, upon an *ex parte* Search warrant application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section Removal of books, etc. may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

(7) The Board may appoint any expert to examine Appointment of experts books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

23. Any person designated by the Board in writing Inspections may at any reasonable time enter upon any premises in respect of which a licence or permit is issued to make an inspection for the purpose of ensuring that the provisions of this Act and the regulations and the terms and conditions of the licence or permit are being complied with, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Special
audit

24.—(1) The Board may at any time authorize and direct a representative of the Board appointed for that purpose to enter upon any premises where the books, accounts or records of or pertaining to any licensed manufacturer are kept or may be, and to inspect, study, audit, take extracts from such books, accounts or other records, and may, upon giving a receipt therefor, remove any such material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
in evidence

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Matters
confidential

25.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

Testimony
in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act.

Prohibited
areas

26. Subject to sections 27 and 28 and the regulations, no licence shall be issued or government store established of a class for the sale of liquor in a municipality,

- (a) in which the sale of liquor or the sale of liquor under that class of licence or store was prohibited under the law as it existed immediately before this Act comes into force; or

- (b) although the sale of liquor is not prohibited by law, no licence has been issued or government store established since the 16th day of September, 1916.

27.—(1) The council of a municipality may submit one or more of the questions prescribed by the regulations respecting the authorization for the sale of liquor in the municipality to a vote of the persons appearing by the last revised list of the municipality and qualified to vote at elections of the Assembly and the council shall submit to the said vote such questions as are requested by petition signed by at least 25 per cent of the persons entitled to vote on the submission. Submission by council to vote

(2) Where 60 per cent of the electors voting on a question, required to be submitted by virtue of clause *a* of section 26, vote in the affirmative, it is lawful to establish government stores, or issue the classes of licences in the municipality accordingly. Affirmative vote

(3) Where 40 per cent of the electors voting on a question required to be submitted by virtue of clause *b* of section 26 vote in the affirmative, it is lawful to establish government stores or issue the classes of licences in the municipality accordingly. Idem

28.—(1) The council of a municipality in which a government store is established or liquor is authorized to be sold under a licence may, and on petition as provided in section 27 shall, submit to the electors such questions respecting the closing of the store or premises as are prescribed by the regulations. Local option to cease sale

(2) Where 60 per cent of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, or licences of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon. Where negative vote polled

29. Where a question is submitted in a municipality under section 27 or 28, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission. Questions not to be submitted again for three years

30.—(1) At least five weeks before the taking of a vote upon any question under section 27 or 28, the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions may Appointment of managers for vote

notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally has all the powers and shall perform all the duties and is subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Notice of
filing of
petition

(2) When a petition has been filed with the clerk of the municipality pursuant to section 27 or 28, the clerk shall give notice in writing of the filing to each of the managers, and the managers are, for a period of four weeks from the date of such notice, entitled to examine and inspect the petition.

Date of
polling
1972, c. 95

31. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Elections Act, 1972*, or any by-law passed under that Act, a poll would be held at the election of members of the council of the municipality, unless the council with the approval of the Board fixes some other day and notifies the clerk of the municipality to that effect, but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be.

Who may
vote

32.—(1) The persons qualified to vote upon a question or questions are such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions.

Application
of general law
R.S.O. 1970,
c. 142

(2) Except as otherwise provided by this Act, the provisions of *The Election Act* respecting,

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions apply to the taking of a vote under this Act.

(3) Subject to the approval of the Lieutenant Governor in Council, the Chief Election Officer shall give such directions and make such regulations and prepare such forms as appear to him to be necessary in carrying out sections 27 to 34 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances that may arise and that are not provided for or contemplated by sections 27 to 34. Directions as to taking vote
R.S.O. 1970,
c. 142

(4) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as is necessary. Forms

(5) The voters' lists shall be revised as provided in *The Election Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*. Revision of lists

(6) It is not necessary for the polling lists for use at the taking of a vote to be printed, nor is it necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. Polling lists

(7) The treasurer of the municipality shall pay returning officers and other officers and servants such fees for services performed under sections 27 to 34, and such expenses incurred in carrying out such sections, as are fixed by the regulations. Fees and expenses

(8) The returning officer upon the taking of a vote shall be the clerk of the municipality, or, in case of his inability to act or of a vacancy in the office, some person to be appointed by by-law of the municipal council. Returning officer

(9) The returning officer shall make his return to the Chief Election Officer showing the number of votes polled for the affirmative and negative on the question or questions submitted and, upon the receipt of such return, the Chief Election Officer shall make his return to the Lieutenant Governor in Council and give notice thereof in *The Ontario* Return to Chief Election Officer

Gazette showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions.

Where
validity of
vote
questioned

1972, c. 95

R.S.O. 1970,
c. 142

Recounts

Amalgama-
tions,
annexations
not to affect
status quo
under Act

Who
entitled
to vote

Interdiction
orders

Hearings

Disregard
of order

33.—(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of *The Municipal Elections Act, 1972* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set out in section 92 of *The Election Act*, and any notice of motion required under *The Municipal Elections Act, 1972* shall be served on such person as the judge or master, as defined in that Act, may direct.

(2) Notwithstanding anything in this or any other Act, where a recount of a vote on any question or questions submitted under this Act is requested, sections 81 to 86 of *The Municipal Elections Act, 1972* apply *mutatis mutandis*.

34.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a part of a municipality to another municipality affects the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or part annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or part annexed, as the case may be.

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 27 or 28 are the persons who are resident in the municipality amalgamated or municipality or part annexed, as the case may be, and who are qualified to be entered on the voters list and to vote at elections to the Assembly.

35.—(1) Where it is made to appear to the satisfaction of the Board that a person, resident or sojourning in Ontario, by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the Board may make an order of interdiction prohibiting the sale of liquor to him until further ordered.

(2) Sections 12, 13 and 15 apply in respect of the proposal to make and the making of the interdiction order in the same manner as to a proposal to revoke and the revocation of a licence.

(3) Every interdicted person keeping or having in his possession or under his control or consuming any liquor is guilty of an offence, and the judge making the conviction may in and by the conviction declare the liquor and all

packages in which the liquor is contained forfeited to Her Majesty in right of Ontario.

(4) Upon an order of interdiction being made, the interdicted person shall deliver forthwith to the Board all liquor in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or, at the option of the Board, such liquor may be purchased from him at a price to be fixed by the Board.

Delivery of
liquor

(5) The Board shall notify all managers of government stores, and such other persons as are prescribed by the regulations of the order of interdiction.

Notice
of order

(6) No person shall knowingly procure for, sell or give any liquor to an interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person.

Supply of
liquor to
interdicted
person

(7) No interdicted person shall enter upon the premises of a government store.

Interdicted
person not to
enter govern-
ment store

36. Upon an application to the Board by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the Board that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Board may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all persons notified of the original order.

Setting
aside of
interdiction
order

37.—(1) In this section,

Interpre-
tation

(a) “detoxification centre” means a public hospital designated by the regulations;

(b) “municipality” means a municipality responsible for maintaining a police force.

(2) Where a constable or other police officer finds a person in a public place apparently in contravention of subsection 3 of section 46, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

Taking to
detoxifica-
tion centre
in lieu
of charge

(3) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof on the grounds only that he examines or treats without consent a person in a detoxification centre under subsection 2 who is brought to the centre by a constable or other police officer.

Protection
from
liability

Detention
for
reclamation

38. Where it appears that a person in contravention of subsection 3 of section 46 may benefit therefrom, the judge may order the person to be detained for a period of ninety days in an institution for the reclamation of alcoholics that is designated for the purpose by the regulations, but, if at any time during this period the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

Registration
of manu-
facturers'
agents

39.—(1) No person shall, directly or indirectly, hold himself out or act as agent or representative of a manufacturer in respect of the sale of liquor or canvass for, receive, take or solicit an order for the sale of liquor by a manufacturer or hold himself out or act as an agent or intermediary for the purpose unless he is registered with the Board as an agent or representative of such manufacturer.

Grounds
for refusal

(2) An applicant for registration is entitled to be registered except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty.

Continuation
of existing
registrations

(3) Every person registered under section 78 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970 immediately before this section comes into force continues to be registered under this Act, subject to the provisions of this Act and the regulations.

Procedures

(4) The provisions of this Act applying to the issuance, refusal, suspension or revocation of a licence apply, *mutatis mutandis*, to the granting, refusal, suspension or revocation of a registration.

Regulations

40. The Lieutenant Governor in Council may make regulations,

- (a) prescribing classes of licences and permits and the terms and conditions to which each class is subject;
- (b) providing for issuance of licences and for renewals and transfer thereof;
- (c) establishing licensing districts and prescribing the maximum number of licences for the sale of liquor in each licensing district or any part thereof;
- (d) prescribing classes of premises and confining the issuance of any specified class or classes of licences to any specified class or classes of premises;
- (e) governing and providing for the issuance of permits for special occasions and prescribing the special occasions for which permits may be issued;

- (f) providing for the registration of agents and representatives of manufacturers;
- (g) requiring the payment of fees in respect of applications for and the issuance, renewal or transfer of licences, permits and registrations;
- (h) prescribing classes of licences or permits that may be issued in respect of premises in a municipality notwithstanding section 26;
- (i) requiring the holders of licences and permits to provide the Board with such information and returns respecting the sale of liquor and the premises, methods and practices connected therewith as is prescribed and requiring any information provided to be verified by oath;
- (j) controlling the advertising of liquor or its availability for sale and requiring that the form of advertisement or public notice be subject to the approval of the Board;
- (k) exempting uses of alcohol from the application of section 49;
- (l) prescribing the questions for the purpose of voting on questions under sections 27 and 28;
- (m) prescribing standards for premises or the part thereof used in connection with the sale of liquor by the holders of licences and permits and the accommodation, equipment and facilities therein and prescribing or prohibiting methods and practices in connection with the serving of liquor;
- (n) prescribing the circumstances under which the manufacturer of liquor may give by gift any liquor;
- (o) prescribing the minimum alcoholic content of wine and beer for the purposes of clauses *b* and *p* of section 1;
- (p) prescribing classes of premises in which the sale of liquor is authorized on which a person under the age of eighteen years may enter;
- (q) designating public hospitals as detoxification centres;
- (r) designating institutions for the reclamation of alcoholics detained therein under section 38 and governing the transfer and admission of persons to and detention of persons in such institutions and providing for the government and operation of such institutions;

- (s) prescribing rules for proceedings before the Board or the Tribunal;
- (t) prescribing the form and content of the application for and of the card for proof of age, requiring the payment of a fee for its issuance and prescribing the amount thereof;
- (u) exempting any person or premises or any class thereof from any provision of this Act or the regulations;
- (v) prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations.

Intoxicating
liquor for
purposes of
R.S.C. 1970,
c. I-4

41. Liquor shall be deemed to be an intoxicating liquor for the purposes of the *Importation of Intoxicating Liquors Act* (Canada).

Unlawful
purchase

42. No person shall purchase liquor except from a government store or from a person authorized by licence or permit to sell.

Unlawful
gift by manu-
facturer

43. No manufacturer of liquor shall in Ontario, by himself, his clerk, servant or agent, give any liquor to any person, except as is permitted by and in accordance with the regulations.

Sale to
persons under
influence

44. No person shall sell or supply liquor or permit liquor to be sold or supplied to any person under or apparently in an intoxicated condition.

Minors

45.—(1) No person shall knowingly sell or supply liquor to a person under the age of eighteen years.

Idem

(2) No liquor shall be sold or supplied to a person who is apparently under the age of eighteen years, and, in any prosecution for a contravention of this subsection, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of eighteen years.

Minor pro-
hibited from
purchasing
liquor

(3) No person under the age of eighteen years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.

Idem

(4) No person under the age of eighteen years shall enter or remain on premises in which the sale of liquor is authorized except those classes of premises that are prescribed by the regulations.

(5) This section does not apply to the supplying of liquor to a person under the age of eighteen years by the parent or guardian of such person in a residence as defined in section 46. Application of section

(6) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if, before he sells or supplies the liquor, a card in the form prescribed by the regulations is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it. Card as proof of age

46.—(1) In this section,

Interpretation

(a) “public place” means a place to which the general public is invited or permitted access, whether or not for a fee;

(b) “residence” means a place that is actually occupied and used as a dwelling, whether or not in common with other persons, including all premises used in conjunction therewith that is not a public place, and where the place occupied and used as a dwelling is a tent, includes the land immediately adjacent and used in conjunction therewith.

(2) No person shall consume liquor in any place other than a premises in respect of which a licence or permit is issued or a residence. Unlawful consumption

(3) No person shall be in an intoxicated condition in a public place. Intoxication in public place

(4) A police officer may arrest without warrant any person whom he finds contravening subsection 3 where to do so is necessary to protect that person or another from injury. Arrest without warrant

47. The holder of a licence or permit issued in respect of premises shall ensure that any person whom he has reasonable grounds to believe, Power to eject from licensed premises

(a) is unlawfully on the premises;

(b) is on the premises for an unlawful purpose; or

(c) is contravening the law on the premises,

does not remain on the premises and may request the person to leave the premises immediately and if the request is not forthwith complied with may forcibly remove him by the use of no more force than is necessary.

Conveying
liquor in
vehicle
R.S.O. 1970,
c. 202

48.—(1) No person shall drive or have the care or control of a motor vehicle as defined in *The Highway Traffic Act* or motorized snow vehicle, whether it is in motion or not, while there is contained therein any liquor, except,

- (a) liquor in a bottle or package that is unopened and the seal unbroken; or
- (b) liquor in a bottle or package that is packed with personal effects in baggage that is fastened closed or that is not otherwise readily available to any person in the vehicle.

Search of
vehicles

(2) A constable or other police officer may at any time, without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, and search any person found in such vehicle or other conveyance.

Unlawful
consumption
of alcohol

49. No person shall,

- (a) drink alcohol in a form that is not a liquor; or
- (b) supply alcohol in a form that is not a liquor to another when he knows or ought to know that the other intends it to be used as a drink.

Regulation of
advertising

50.—(1) No person shall advertise liquor or display public notice that liquor is available for sale except in accordance with the regulations.

Order of
cessation

(2) Where the Board believes on reasonable and probable grounds that any advertisement or public notice is in contravention of this Act or the regulations, the Board may order the immediate cessation of the use of such advertisement or notice, and the provisions of this Act applying to the imposition by the Board of a condition of the licence apply *mutatis mutandis* to the order, and the order of the Board shall take effect immediately, but the Tribunal may grant a stay until the Board's order becomes final.

Forfeiture
of liquor

51.—(1) Liquor kept for sale or offered for sale in contravention of section 4 and liquor purchased in contravention of section 42 is forfeited to the Board.

(2) Where liquor to which subsection 1 applies is seized by a police officer, he shall forthwith make or cause to be made a report of the particulars of the seizure to the Board and shall deliver the liquor or cause the liquor to be delivered to the Board as soon as the due process of the law permits. Report and delivery

52.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years. Card certifying age

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations. Form of card

(3) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board. False information

(4) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board. False card

53. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated, Civil liability

- (a) commits suicide or meets death by accident, an action under *The Fatal Accidents Act* lies against the person who or whose servant or agent sold the liquor; or R.S.O. 1970, c. 164
- (b) causes injury or damage to the person or property of another person, such other person is entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor.

54.—(1) Every person who, knowingly, Offences

- (a) furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with an order of the Board under subsection 2 of section 50;

- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Consent of Minister

(3) No proceeding to prosecute under clause *a* or *b* of subsection 1 shall be instituted except with the consent of the Minister.

Limitation

(4) No proceeding to prosecute under clause *a* of subsection 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Board.

Idem

(5) No proceeding to prosecute under clause *b* or *c* of subsection 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose.

Certificate as evidence

55. A statement as to,

- (a) the licensing or non-licensing of any person ;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Board ;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Board ; or
- (d) any other matter pertaining to such licence, non-licensing, filing or non-filing,

purporting to be certified by the chairman of the Board is, without proof of the office or signature of the chairman, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Analysis

56. In any prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, the certificate or report is conclusive evidence of the facts stated in the certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

57. Nothing in this Act prevents the sale,

Exception
for drugs
and
medicines
1974, c. 47

(a) of a drug dispensed as a medicine by a person authorized to do so under *The Health Disciplines Act, 1974*;

(b) of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in Part VI of *The Health Disciplines Act, 1974* for a person under health care provided by such hospital or health or custodial institution;

(c) subject to section 49, of a medicine registered under the *Proprietary or Patent Medicine Act* R.S.C. 1970, P-25 (Canada); or

(d) of a drug to a person authorized under *The Health Disciplines Act, 1974* to dispense, prescribe or administer drugs,

or the purchase of such drug or medicine sold in accordance with this section.

58. The following are repealed:

Repeals

1. *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970.
2. *The Liquor Licence Amendment Act, 1971*, being chapter 35.
3. *The Liquor Licence Amendment Act, 1973*, being chapter 68.
4. Paragraph 19 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

59. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

60. This Act may be cited as *The Liquor Licence Act, 1975*. Short title

The Liquor Licence Act, 1975

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

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BILL 45

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Government
Publications

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



The Liquor Licence Act, 1975

Ontario. Legislative Assembly
/ //

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill re-establishes the Liquor Licence Board to perform all the licensing functions, including those now performed by the Liquor Control Board. The Bill is a companion to a Bill to enact *The Liquor Control Act, 1975* which deals with liquor marketing functions. The Bill also contains all the inspection and offence provisions.

The principal changes are:

1. provision is made for licensing procedures and for hearings, review and appeals;
2. the offences are revised and simplified.

BILL 45

1975

The Liquor Licence Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "alcohol" means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol;
- (b) "beer" means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water;
- (c) "Board" means the Liquor Licence Board established under section 2;
- (d) "government store" means a government store as established under *The Liquor Control Act, 1975*; 1975, c. 27
- (e) "licence" means a licence issued under this Act;
- (f) "liquor" means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other matter;
- (g) "manufacturer" means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;

- (h) “Minister” means the Minister of Consumer and Commercial Relations;
- (i) “municipality” means a city, town, village or township;
- (j) “Ontario wine” means,
 - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or
 - (ii) wine produced by the alcoholic fermentation of Ontario honey with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine;
- (k) “permit” means a permit issued under this Act;
- (l) “regulations” means the regulations made under this Act;
- (m) “sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and “sale” has a corresponding meaning;
- (n) “spirits” means any beverage that contains alcohol obtained by distillation;
- (o) “Tribunal” means the Liquor Licence Appeal Tribunal established under section 14;
- (p) “wine” means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk.

Liquor
Licence
Board
established

2.—(1) The Liquor Licence Board is established and shall consist of not more than seven members appointed by the Lieutenant Governor in Council.

Chairman,
vice-
chairmen

(2) The Lieutenant Governor in Council may designate one of the members of the Board as chairman and one or more of the members as vice-chairmen.

(3) The members of the Board shall be appointed to ^{Term} hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

(4) The members of the Board shall be paid such ^{Remuneration} salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.

(5) The chairman shall be the chief executive officer ^{Duties of chairman} of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as may be necessary for the due performance of their duties as members of the Board.

(6) The Board is a corporation to which *The Corporations Act* does not apply. ^{Corporation R.S.O. 1970, c. 89}


(7) The Board shall perform such duties as are assigned ^{Duties} to it by or under this and any other Act and shall administer and enforce this Act and the regulations.

(8) Subject to the approval of the Lieutenant Governor ^{Staff} in Council, the Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

(9) The revenues of the Board shall be paid to the ^{Finances} Treasurer of Ontario and the moneys required for the expenditures of the Board shall, until the 1st day of April, 1976, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

3.—(1) Subject to subsection 2, the assets, liabilities ^{Transfer of assets and obligations} and obligations of the Liquor Licence Board of Ontario, under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, existing immediately before this Act comes into force, are vested in and bind the Crown.

(2) Every contract or agreement, including collective ^{Preservation of employment agreements} agreements, respecting the employees of the Liquor Licence Board of Ontario under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and existing immediately before this Act comes into force continues and is binding on the Liquor Licence Board established by this Act.

 (3) For the purposes of and subject to *The Crown* ^{Bargaining unit and agent under 1972, c. 67} *Employees Collective Bargaining Act*, 1972, and the regulations

thereunder, and subject to any further designation under that Act, the persons employed in the work of the Board are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes and the Liquor Control Board of Ontario and Liquor Licence Board of Ontario Employees' Association is designated as the employee organization that has representation rights in relation to such bargaining unit.

Licences and
permits for
sale of liquor

4.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit issued by the Board.

Soliciting
orders

(2) No person shall canvass for, receive or solicit orders for the sale of liquor unless he is the holder of a licence or permit issued by the Board under subsection 1 or unless he is registered under section 39.

Exception for
beer and
wine stores
1975, c. 27

(3) Subsections 1 and 2 do not apply to the sale of liquor by or under the authority of the Liquor Control Board of Ontario under *The Liquor Control Act, 1975*.

Transfer
of licences

(4) A licence issued under this section may be transferred, subject to the approval of the Board, on the application of the transferee.

Temporary
transfers

(5) The Board may approve the transfer of a licence for a period of not more than six months, to permit the orderly disposition of licensed premises by a trustee in bankruptcy, receiver or liquidator authorized by statute or a court for the purpose or a mortgagee who enters into possession under the mortgage and section 6 does not apply.

Manu-
facturer's
licence to sell

5.—(1) The Board may, subject to the approval of the Minister, issue a licence authorizing the manufacturer of spirits, beer or Ontario wine to keep for sale, offer for sale or sell such spirits, beer or Ontario wine to the Liquor Control Board of Ontario under *The Liquor Control Act, 1975* and the decision of the Board to issue or to refuse to issue a licence, with the approval of the Minister, is final.

Conditions

(2) A licence under subsection 1 may be issued subject to such terms or conditions as are prescribed in the licence or by the regulations.

Licence
to sell
other than
by manu-
facturer

6.—(1) An applicant for a licence, or for approval of the transfer of a licence other than a licence referred to in section 5, is entitled to be issued the licence or have the transfer approved except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding equity shares as determined under section 20 affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty, or
 - (iii) a majority of the members of the board of directors are not Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (d) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty;
- (e) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations;
- (f) the premises and accommodation, equipment and facilities in respect of which the licence is issued do not comply with the provisions of this Act and the regulations applicable thereto;
- (g) in the case of an application for a licence, the issuance of the licence is not in the public interest having regard to the needs and wishes of the public in the municipality in which the premises is located.

(2) No licence shall be issued under this section or renewed ^{Where issue of licence prohibited} and no approval of the transfer of a licence shall be given,

- (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;

- (b) to a manufacturer of liquor, or his agent, or to a person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to a person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for premises in which a manufacturer of liquor has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Publication
of notice of
application

(3) Where an application is made for a licence under this section and, subject to compliance with clause g of subsection 1, the applicant is not disentitled, the Board shall advertise the fact of the application, the nature of the licence applied for and the location of the premises at least twice in a newspaper having general circulation in the municipality in respect of which the licence is applied for and shall fix in the advertisement a time and place in the licensing district for the residents of the municipality to make representations to the Board concerning the application.

Public
representation

(4) The Board or such member or members thereof as are designated by the chairman shall hold a public meeting in accordance with the notice under subsection 3 for the purpose of receiving the representations referred to therein and shall take such representations into consideration for the purposes of this section.

Expiry

7.—(1) A licence issued under section 4 or 5 expires two years after its issuance or latest renewal, subject to renewal by the Board in accordance with this Act and the regulations.

First
renewal of
existing
licences

(2) The first renewal of a licence continued under section 9 may be made for a term fixed by the Board, being not less than one year and not more than two years.

Continuance
pending
renewal

(3) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the order has become final.

8.—(1) Subject to the regulations, the Board may issue a permit authorizing the holder thereof to keep for sale, offer for sale, sell or serve liquor on a special occasion. ^{Special occasion permits}

(2) An applicant for a permit for a special occasion that complies with the regulations is entitled to be issued the permit except upon the grounds set out in clause *d*, *e* or *f* of subsection 1 of section 6 and subsection 2 of section 6 applies in respect of permits, *mutatis mutandis*, in the same way as it applies in respect of licences. ^{Issuance}

(3) A permit may be issued by an officer of the Board designated by the Board for the purpose and such officer shall refer to the Board every application for a permit or renewal that he proposes to refuse. ^{Idem}

9.—(1) Every licence and permit issued by the Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, and subsisting immediately before this Act comes into force continues in effect, subject to this Act, until it expires or is otherwise terminated. ^{Continuation of licences and permits}

(2) Every application for a licence or permit made to the Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and undisposed of when this Act comes into force is continued and shall be dealt with by the Board in accordance with this Act. ^{Continuation of applications}

10.—(1) The Board may at any time review a licence or permit on its own initiative and attach such further terms and conditions as, it considers proper to give effect to the purposes of this Act. ^{Imposition of new terms and conditions}

(2) The Board may, on the application of the holder of a licence or permit, remove any term or condition to which the licence or permit is made subject under subsection 1 where there is a change of circumstances. ^{Removal of terms and conditions}

11.—(1) Subject to section 12, the Board may refuse to issue or approve the transfer of a licence under section 6 or to issue a permit under section 8 where, in the Board's ^{Refusal to issue}

opinion, the applicant is not entitled to a licence or permit under the provisions applicable thereto.

Idem

(2) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 5 for any reason referred to in clauses *e* and *f* of subsection 1 of section 6 or where the licensee is in breach of a term or condition of his licence.

Revocation,
suspension
or refusal to
renew

(3) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 6 for any reason that would disentitle the licensee to a licence under section 6 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

Voluntary
cancellation

(4) The Board may cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

Revocation
of permits

(5) Subject to section 12, the Board may revoke a permit issued under section 8 for any reason that would disentitle the holder to a permit if he were an applicant, or where the holder of the permit is in breach of a term or condition of the permit.

Notice of
proposal

12.—(1) Where the Board proposes,

- (a) to refuse to issue a licence or permit, renew a licence or approve the transfer of a licence;
- (b) to suspend or revoke a licence or permit; or
- (c) to attach terms and conditions to a licence or permit or to refuse to remove a term or condition of a licence or permit under section 10,

it shall serve notice of its proposal together with written reasons therefor on the applicant or holder of the licence or permit affected.

Interim
suspension

(2) Where the Board proposes to suspend or revoke a licence or permit the Board may, where the Board considers it to be necessary in the public interest, by order temporarily suspend the licence or permit and the order shall take effect immediately and where a hearing is required expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Board or Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

(3) A notice under subsection 1 shall inform the applicant or holder of the licence or permit that he is entitled to a hearing by the Board if he mails or delivers to the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing.

Notice
requiring
hearing

(4) Where an applicant or holder of the licence or permit does not require a hearing by the Board in accordance with subsection 3, the Board may carry out the proposal stated in its notice under subsection 1.

Powers of
Board
where no
hearing

13.—(1) Where the Board is required to hold a hearing under section 12, the chairman of the Board shall refer the application to two or more members of the Board designated by the chairman, who shall constitute the Board for the purposes of the hearing and decision.

Members
holding
hearing

(2) The Board shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, and upon any other person appearing to the Board to have an interest in the application.

Notice
of hearing

(3) Every person upon whom notice of a hearing is served and any other person added by the Board is a party to the proceedings.

Parties

(4) Each member of the Board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Oaths

(5) The Board shall hold the hearing and give its decision and reasons therefor in writing to the parties to the proceedings.

Decision
and reasons

(6) An order of the Board revoking or suspending a licence or permit takes effect immediately unless otherwise provided in the order but, where a hearing by the Tribunal is required, the Tribunal may grant a stay until the Tribunal makes its decision.

Stay

14.—(1) The Liquor Licence Appeal Tribunal is established and shall consist of not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen.

Liquor
Licence
Appeal
Tribunal

(2) The members of the Tribunal shall be appointed to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

Term of
office

Remuneration	(3) The members of the Tribunal shall be paid such salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.
Duties of chairman	(4) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.
Quorum	(5) Three members of the Tribunal constitute a quorum.
Publication of decisions	(6) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor.
Oaths	(7) Each member of the Tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings.
Hearing by Tribunal	15. —(1) Any party to a proceeding before the Board under section 13 who is aggrieved by the decision of the Board may, within fifteen days after he is served with the decision of the Board, mail or deliver to the Board and the Tribunal a notice in writing requiring a hearing by the Tribunal.
Idem	(2) Any person to whom a notice is given under section 12 may require a hearing by the Tribunal by giving notice in accordance with subsection 1 notwithstanding that he has not first required a hearing by the Board.
Powers of Tribunal	(3) Where an applicant or holder of the licence or permit requires a hearing by the Tribunal in accordance with subsection 1, the Tribunal shall appoint a time for and hold the hearing and may by order confirm, alter or revoke the decision of the Board or direct the Board to take such action as the Tribunal considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Board.
Conditions of order	(4) The Tribunal may attach such terms and conditions to its order or to the licence or permit as it considers proper to give effect to the purposes of this Act.
Parties	(5) The Board, the applicant or the holder of the licence or permit who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.
Members holding hearing not to have taken part in investigation, etc.	16. —(1) A member of the Tribunal holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing and shall not communicate directly or indirectly in relation

to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(2) Notice of a hearing under section 15 shall afford the applicant or holder of the licence or permit a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the renewal or retention of the licence or permit. Opportunity to comply

(3) An applicant or holder of the licence or permit who is a party to proceedings under section 15 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the content of which will be given in evidence at the hearing. Examination of documentary evidence

(4) The oral evidence taken before the Tribunal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(5) The findings of fact of the Tribunal pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

(6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(7) Documents and things put in evidence at a hearing of the Tribunal shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

(8) Notwithstanding any limitation of time for the giving of a notice requiring a hearing by the Tribunal and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited and may give such directions as it considers proper consequent upon such extension. Extension of time for notice requiring hearing

Reasons	(9) The Tribunal shall give its decision and reasons therefor in writing to the parties to the proceedings.
Stay	(10) An order of the Tribunal revoking or suspending a licence or permit takes effect immediately but, where an appeal is made to the Supreme Court, the court may grant a stay until the disposition of the appeal.
Service	17. —(1) Any notice required to be given or served in connection with proceedings of or before the Board or the Tribunal is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made.
Where service deemed to be made	(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.
Exception	(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.
Decision of Tribunal re issuance final	18. The decision of the Tribunal respecting the issuance of or refusal to issue a licence or permit or refusal to approve the transfer of a licence is final.
Appeal from decision to revoke, etc.	19. —(1) Any party to proceedings before the Tribunal respecting the revocation, suspension or refusal to renew a licence or permit, or the imposition of or refusal to remove a term or condition of a licence or permit may appeal from the decision of the Tribunal to the Supreme Court in accordance with the rules of court.
Minister entitled to be heard	(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.
Powers of court on appeal	(3) An appeal under this section may be made on questions of law only.
"Equity share" defined	20. —(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.
Notice of transfer of shares	(2) Every licence or permit holder that is a corporation shall notify the Board in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock <u>or the happening of a condition by which shares</u>

of its capital stock acquire voting rights where such issue, transfer or happening results in,

- (a) any shareholder and shareholders associated with him beneficially owning or controlling at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or
- (b) any shareholder and shareholders associated with him who already beneficially owns or controls 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

(3) In calculating the total number of equity shares ^{Idem} of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

(4) Where a licence or permit holder that is a corporation ^{Idem} is aware that a transfer which comes within the provisions of subsection 2 has taken place, it shall notify the Board in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer.

(5) For the purposes of subsection 2, a shareholder shall ^{Associated shareholder} be deemed to be associated with another shareholder if,

- (a) one shareholder is a company of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses a to e with the same shareholder.

Application
of s. 4 (4)

(6) Where, in the opinion of the Board, an issue or transfer of equity shares of capital stock of a licensed corporation or the happening of a condition referred to in subsection 2 results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue, transfer or happening shall be deemed to be a change of ownership and unless transferred under subsection 4 of section 4, the licence ceases to exist.

Investiga-
tion by
Minister

21. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Investiga-
tion by
Board

22.—(1) Where, upon a statement made under oath, the Board believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970,
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for a licence or permit under this Act,

the Board may, by order, appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Board.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the premises of such person, not including any premises or part thereof occupied as living accommodation, and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things

owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction
of
investigator

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Search
warrant

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal
of books,
etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility
of copies

Appointment
of experts

(7) The Board may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Inspections

23. Any person designated by the Board in writing may at any reasonable time enter upon any premises in respect of which a licence or permit is issued to make an inspection for the purpose of ensuring that the provisions of this Act and the regulations and the terms and conditions of the licence or permit are being complied with, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Special
audit

24.—(1) The Board may at any time authorize and direct a representative of the Board appointed for that purpose to enter upon any premises where the books, accounts or records of or pertaining to any licensed manufacturer are kept or may be, and to inspect, study, audit, take extracts from such books, accounts or other records, and may, upon giving a receipt therefor, remove any such material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
in evidence

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Matters
confidential

25.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act. Testimony in civil suit

26. Subject to sections 27 and 28 and the regulations, no licence shall be issued or government store established of a class for the sale of liquor in a municipality, Prohibited areas

- (a) in which the sale of liquor or the sale of liquor under that class of licence or store was prohibited under the law as it existed immediately before this Act comes into force; or
- (b) although the sale of liquor is not prohibited by law, no licence has been issued or government store established since the 16th day of September, 1916.

27.—(1) The council of a municipality may submit one or more of the questions prescribed by the regulations respecting the authorization for the sale of liquor in the municipality to a vote of the persons appearing by the last revised list of the municipality and qualified to vote at elections of the Assembly and the council shall submit to the said vote such questions as are requested by petition signed by at least 25 per cent of the persons entitled to vote on the submission. Submission by council to vote

(2) Where 60 per cent of the electors voting on a question, required to be submitted by virtue of clause *a* of section 26, vote in the affirmative, it is lawful to establish government stores, or issue the classes of licences in the municipality accordingly. Affirmative vote

(3) Where 40 per cent of the electors voting on a question required to be submitted by virtue of clause *b* of section 26 vote in the affirmative, it is lawful to establish government stores or issue the classes of licences in the municipality accordingly. Idem

28.—(1) The council of a municipality in which a government store is established or liquor is authorized to be sold under a licence may, and on petition as provided in section 27 shall, submit to the electors such questions respecting the closing of the store or premises as are prescribed by the regulations. Local option to cease sale

(2) Where 60 per cent of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, or licences Where negative vote polled

of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon.

Questions
not to be
submitted
again for
three years

29. Where a question is submitted in a municipality under section 27 or 28, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission.

Appoint-
ment of
managers
for vote

30.—(1) At least five weeks before the taking of a vote upon any question under section 27 or 28, the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally has all the powers and shall perform all the duties and is subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Notice of
filing of
petition

(2) When a petition has been filed with the clerk of the municipality pursuant to section 27 or 28, the clerk shall give notice in writing of the filing to each of the managers, and the managers are, for a period of four weeks from the date of such notice, entitled to examine and inspect the petition.

Date of
polling
1972, c. 95

31. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Elections Act, 1972*, or any by-law passed under that Act, a poll would be held at the election of members of the council of the municipality, unless the council with the approval of the Board fixes some other day and notifies the clerk of the municipality to that effect, but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be.

Who may
vote

32.—(1) The persons qualified to vote upon a question or questions are such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions.

(2) Except as otherwise provided by this Act, the provisions of *The Election Act* respecting,

Application
of general law
R.S.O. 1970,
c. 142

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions apply to the taking of a vote under this Act.

(3) Subject to the approval of the Lieutenant Governor in Council, the Chief Election Officer shall give such directions and make such regulations and prepare such forms as appear to him to be necessary in carrying out sections 27 to 34 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances that may arise and that are not provided for or contemplated by sections 27 to 34.

Directions
as to taking
vote

R.S.O. 1970,
c. 142

(4) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as is necessary.

Forms

(5) The voters' lists shall be revised as provided in *The Election Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*.

Revision
of lists

(6) It is not necessary for the polling lists for use at the taking of a vote to be printed, nor is it necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively.

Polling
lists

(7) The treasurer of the municipality shall pay returning officers and other officers and servants such fees for services

Fees and
expenses

performed under sections 27 to 34, and such expenses incurred in carrying out such sections, as may be fixed by the regulations.

Returning officer

(8) The returning officer upon the taking of a vote shall be the clerk of the municipality, or, in case of his inability to act or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to Chief Election Officer

(9) The returning officer shall make his return to the Chief Election Officer showing the number of votes polled for the affirmative and negative on the question or questions submitted and, upon the receipt of such return, the Chief Election Officer shall make his return to the Lieutenant Governor in Council and give notice thereof in *The Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions.

Where validity of vote questioned

1972, c. 95

R.S.O. 1970, c. 142

33.—(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of *The Municipal Elections Act, 1972* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set out in section 92 of *The Election Act*, and any notice of motion required under *The Municipal Elections Act, 1972* shall be served on such person as the judge or master, as defined in that Act, may direct.

Recounts

(2) Notwithstanding anything in this or any other Act, where a recount of a vote on any question or questions submitted under this Act is requested, sections 81 to 86 of *The Municipal Elections Act, 1972* apply *mutatis mutandis*.

Amalgamations, annexations not to affect status quo under Act

34.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a part of a municipality to another municipality affects the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or part annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or part annexed, as the case may be.

Who entitled to vote

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 27 or 28 are the persons who are resident in the municipality amalgamated or municipality or part annexed, as the case may be, and who are qualified to be entered on the voters list and to vote at elections to the Assembly.

Interdiction orders

35.—(1) Where it is made to appear to the satisfaction of the Board that a person, resident or sojourning in Ontario,

by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the Board may make an order of interdiction prohibiting the sale of liquor to him until further ordered.

(2) Sections 12, 13 and 15 apply in respect of the proposal to make and the making of the interdiction order in the same manner as to a proposal to revoke and the revocation of a licence. Hearings

(3) Every interdicted person keeping or having in his possession or under his control or consuming any liquor is guilty of an offence, and the judge making the conviction may in and by the conviction declare the liquor and all packages in which the liquor is contained forfeited to Her Majesty in right of Ontario. Disregard of order

(4) Upon an order of interdiction being made, the interdicted person shall deliver forthwith to the Board all liquor in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or, at the option of the Board, such liquor may be purchased from him at a price to be fixed by the Board. Delivery of liquor

(5) The Board shall notify all managers of government stores, and such other persons as are prescribed by the regulations of the order of interdiction. Notice of order

(6) No person shall knowingly procure for, sell or give any liquor to an interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person. Supply of liquor to interdicted person

(7) No interdicted person shall enter upon the premises of a government store. Interdicted person not to enter government store

36. Upon an application to the Board by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the Board that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Board may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all persons notified of the original order. Setting aside of interdiction order

37.—(1) In this section,

Interpretation

(a) “detoxification centre” means a public hospital designated by the regulations;

(b) "municipality" means a municipality responsible for maintaining a police force.

Taking to
detoxifica-
tion centre
in lieu
of charge

(2) Where a police officer finds a person in a public place apparently in contravention of subsection 3 of section 46, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

Protection
from
liability

(3) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof on the grounds only that he examines or treats without consent a person in a detoxification centre under subsection 2 who is brought to the centre by a constable or other police officer.

Detention
for
reclamation

38. Where it appears that a person in contravention of subsection 3 of section 46 may benefit therefrom, the judge may order the person to be detained for a period of ninety days or such lesser period as he thinks advisable in an institution for the reclamation of alcoholics that is designated for the purpose by the regulations, but, if at any time during this period the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

Registration
of manu-
facturers'
agents

39.—(1) No person shall, directly or indirectly, hold himself out or act as agent or representative of a manufacturer in respect of the sale of liquor or canvass for, receive, take or solicit an order for the sale of liquor by a manufacturer or hold himself out or act as an agent or intermediary for the purpose unless he is registered with the Board as an agent or representative of such manufacturer.

Grounds
for refusal

(2) An applicant for registration is entitled to be registered except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty.

Continuation
of existing
registrations



(3) Every person registered under section 78 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970 immediately before this section comes into force continues to be registered under this Act, subject to the provisions of this Act and the regulations.

Procedures

(4) The provisions of this Act applying to the issuance, refusal, suspension or revocation of a licence apply, *mutatis mutandis*, to the granting, refusal, suspension or revocation of a registration.

Regulations

40. The Lieutenant Governor in Council may make regulations,

- (a) prescribing classes of licences and permits and the terms and conditions to which each class is subject;
- (b) providing for issuance of licences and for renewals and transfer thereof;
- (c) establishing licensing districts and prescribing the maximum number of licences for the sale of liquor in each licensing district or any part thereof;
- (d) prescribing classes of premises and confining the issuance of any specified class or classes of licences to any specified class or classes of premises;
- (e) governing and providing for the issuance of permits for special occasions and prescribing the special occasions for which permits may be issued;
- (f) providing for the registration of agents and representatives of manufacturers;
- (g) requiring the payment of fees in respect of applications for and the issuance, renewal or transfer of licences, permits and registrations;
- (h) prescribing classes of licences or permits that may be issued in respect of premises in a municipality notwithstanding section 26;
- (i) requiring the holders of licences and permits to provide the Board with such information and returns respecting the sale of liquor and the premises, methods and practices connected therewith as is prescribed and requiring any information provided to be verified by oath;
- (j) controlling the advertising of liquor or its availability for sale and requiring that the form of advertisement or public notice be subject to the approval of the Board;
- (k) exempting uses of alcohol from the application of section 49;
- (l) prescribing the questions for the purpose of voting on questions under sections 27 and 28;
-  (m) prescribing the form of ballots to be used for voting upon a question submitted in a municipality; 
- (n) prescribing standards for premises or the part thereof used in connection with the sale of liquor by the holders of licences and permits and the

accommodation, equipment and facilities therein and prescribing or prohibiting methods and practices in connection with the serving of liquor;

- (o) prescribing the circumstances under which the manufacturer of liquor may give by gift any liquor;
- (p) prescribing the minimum alcoholic content of wine and beer for the purposes of clauses *b* and *p* of section 1;
- (q) prescribing classes of premises in which the sale of liquor is authorized on which a person under the age of eighteen years may enter;
- (r) designating public hospitals as detoxification centres;
- (s) designating institutions for the reclamation of alcoholics detained therein under section 38 and governing the transfer and admission of persons to and detention of persons in such institutions and providing for the government and operation of such institutions;
- (t) prescribing rules for proceedings before the Board or the Tribunal;
- (u) prescribing the form and content of the application for and of the card for proof of age, requiring the payment of a fee for its issuance and prescribing the amount thereof;
- (v) exempting any person, product or premises or any class thereof from any provision of this Act or the regulations;
- (w) prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations.

Intoxicating
liquor for
purposes of
R.S.C. 1970,
c. I-4

41. Liquor shall be deemed to be an intoxicating liquor for the purposes of the *Importation of Intoxicating Liquors Act* (Canada).

Unlawful
purchase

42. No person shall purchase liquor except from a government store or from a person authorized by licence or permit to sell.

Unlawful
gift by manu-
facturer

43. No manufacturer of liquor shall in Ontario, by himself, his clerk, servant or agent, give any liquor to any

person, except as is permitted by and in accordance with the regulations.

44. No person shall sell or supply liquor or permit liquor to be sold or supplied to any person in or apparently in an intoxicated condition. Sale to persons under influence

45.—(1) No person shall knowingly sell or supply liquor to a person under the age of eighteen years. Minors

(2) No liquor shall be sold or supplied to a person who is apparently under the age of eighteen years, and, in any prosecution for a contravention of this subsection, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of eighteen years. Idem

(3) No person under the age of eighteen years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor. Minor prohibited from purchasing liquor

(4) No person under the age of eighteen years shall enter or remain on premises in which the sale of liquor is authorized except those classes of premises that are prescribed by the regulations. Idem

(5) This section does not apply to the supplying of liquor to a person under the age of eighteen years by the parent or guardian of such person in a residence as defined in section 46 or to the consumption of liquor therein by such person. Application of section

(6) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if, before he sells or supplies the liquor, a card in the form prescribed by the regulations is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it. Card as proof of age

46.—(1) In this section, Interpretation

(a) “public place” means a place to which the general public is invited or permitted access, whether or not for a fee;

(b) “residence” means a place that is actually occupied and used as a dwelling, whether or not in common

with other persons, including all premises used in conjunction therewith that is not a public place, and where the place occupied and used as a dwelling is a tent, includes the land immediately adjacent and used in conjunction therewith.

Unlawful
consumption

(2) No person shall consume liquor in any place other than a premises in respect of which a licence or permit is issued or a residence.

Intoxication
in public
place

(3) No person shall be in an intoxicated condition in a public place or in any part of a residence that is used in common by persons occupying more than one dwelling therein.

Arrest
without
warrant

(4) A police officer may arrest without warrant any person whom he finds contravening subsection 3 where to do so is necessary to protect that person or another from injury.

Power to
eject from
licensed
premises

47.—(1) The holder of a licence or permit issued in respect of premises shall ensure that any person whom he has reasonable grounds to believe,

- (a) is unlawfully on the premises;
- (b) is on the premises for an unlawful purpose; or
- (c) is contravening the law on the premises,

does not remain on the premises and may request the person to leave the premises immediately and if the request is not forthwith complied with may remove him or cause him to be removed by the use of no more force than is necessary.

Order to
vacate
premises

(2) Where there are reasonable grounds to believe that a disturbance or breach of the peace is being caused on a licensed premises sufficient to constitute a threat to the public safety, a police officer may require that all persons vacate the premises and the holder of the licence or permit shall ensure, with the assistance of the peace officer, if necessary, that the premises are vacated.

Conveying
liquor in
vehicle
R.S.O. 1970,
c. 202

48.—(1) No person shall drive or have the care or control of a motor vehicle as defined in *The Highway Traffic Act* or motorized snow vehicle, whether it is in motion or not, while there is contained therein any liquor, except,

- (a) liquor in a bottle or package that is unopened and the seal unbroken; or
- (b) liquor in a bottle or package that is packed with personal effects in baggage that is fastened closed or that is not otherwise readily available to any person in the vehicle.

(2) A police officer may at any time, without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, and search any person found in such vehicle or other conveyance.

Search of
vehicles

49. No person shall,

Unlawful
consumption
of alcohol

(a) drink alcohol in a form that is not a liquor; or

(b) supply alcohol in a form that is not a liquor to another when he knows or ought to know that the other intends it to be used as a drink.

50.—(1) No person shall advertise liquor or display public notice that liquor is available for sale except in accordance with the regulations.

Regulation of
advertising

(2) Where the Board believes on reasonable and probable grounds that any advertisement or public notice is in contravention of this Act or the regulations, the Board may order the immediate cessation of the use of such advertisement or notice, and the provisions of this Act applying to the imposition by the Board of a condition of the licence apply *mutatis mutandis* to the order, and the order of the Board shall take effect immediately, but the Tribunal may grant a stay until the Board's order becomes final.

Order of
cessation

51.—(1) Liquor kept for sale or offered for sale in contravention of section 4 and liquor purchased in contravention of section 42 is forfeited to the Board.

Forfeiture
of liquor

(2) Where liquor to which subsection 1 applies is seized by a police officer, he shall forthwith make or cause to be made a report of the particulars of the seizure to the Board and shall deliver the liquor or cause the liquor to be delivered to the Board as soon as the due process of the law permits.

Report and
delivery

52.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years.

Card
certifying
age

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations.

Form of
card

(3) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board.

False
information

False
card

(4) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board.

Civil
liability

53. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,

R.S.O. 1970,
c. 164

- (a) commits suicide or meets death by accident, an action under *The Fatal Accidents Act* lies against the person who or whose servant or agent sold the liquor; or
- (b) causes injury or damage to the person or property of another person, such other person is entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor.

Arrest
without
warrant

54. Where a police officer finds a person contravening this Act and such person refuses to give his name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest such person without warrant.

Offences

55. —(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) knowingly fails to comply with an order of the Board under subsection 2 of section 50;
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corpora-
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding to prosecute under clause *a* or *b* of sub-section 1 shall be instituted except with the consent of the Minister. Consent of Minister

(4) No proceeding to prosecute under clause *a* of sub-section 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Board. Limitation

(5) No proceeding to prosecute under clause *b* or *c* of sub-section 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. Idem



56.—(1) Where liquor is found by a police officer under circumstances where the liquor constitutes evidence necessary to prove a contravention of this Act, the police officer may seize and take away the liquor and packages in which it is kept. Seizure of liquor

(2) A provincial court judge may, upon the application of any person made within thirty days of a seizure under subsection 1, order that the things seized be restored forthwith to the applicant where the judge is satisfied that, Order of restoration

(a) the applicant is entitled to possession of the things seized; and

(b) the things seized are not required as evidence in any proceedings in respect of an offence under this Act,

and where the judge is satisfied that the applicant is entitled to possession of the things seized but is not satisfied as to the matter mentioned in clause *b*, he shall order that the things seized be restored to the applicant,

(c) upon the expiration of three months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced; or

(d) upon the final conclusion of any such proceedings.

(3) Where no application has been made for the return of any thing seized under subsection 1 or an application has been made but upon the hearing thereof no order of restoration has been made, the thing seized is forfeited to the Board. Forfeiture

(4) Where a person is convicted of an offence under this Act, any thing seized under subsection 1 by means of which the offence was committed is forfeited to the Board. Idem



Certificate
as evidence

57. A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Board;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Board; or
- (d) any other matter pertaining to such licence, non-licensing, filing or non-filing,

purporting to be certified by the chairman of the Board is, without proof of the office or signature of the chairman, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Analysis

58. In any prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, the certificate or report is conclusive evidence of the facts stated in the certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

Exception
for drugs
and
medicines
1974, c. 47

59. Nothing in this Act prevents the sale,

- (a) of a drug dispensed as a medicine by a person authorized to do so under *The Health Disciplines Act, 1974*;
- (b) of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in Part VI of *The Health Disciplines Act, 1974* for a person under health care provided by such hospital or health or custodial institution;
- (c) subject to section 49, of a medicine registered under the *Proprietary or Patent Medicine Act* (Canada); or
- (d) of a drug to a person authorized under *The Health Disciplines Act, 1974* to dispense, prescribe or administer drugs,

R.S.C. 1970,
P-25

or the purchase of such drug or medicine sold in accordance with this section.

60. The following are repealed:

Repeals

1. *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970.
2. *The Liquor Licence Amendment Act, 1971*, being chapter 35.
3. *The Liquor Licence Amendment Act, 1973*, being chapter 68.
4. Paragraph 19 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

61. This Act comes into force on a day to be named by ^{Commence-}proclamation of the Lieutenant Governor. ^{ment}

62. This Act may be cited as *The Liquor Licence Act, 1975*. ^{Short title}

The Liquor Licence Act, 1975

1st Reading

April 15th, 1975

2nd Reading

June 3rd, 1975

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

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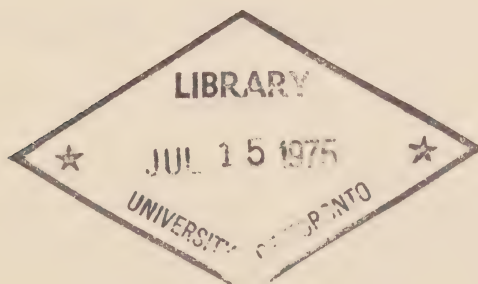
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

The Liquor Licence Act, 1975

Ontario, Legislative Assembly

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

The Liquor Licence Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "alcohol" means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol;
- (b) "beer" means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water;
- (c) "Board" means the Liquor Licence Board established under section 2;
- (d) "government store" means a government store as established under *The Liquor Control Act, 1975*; 1975, c. 27
- (e) "licence" means a licence issued under this Act;
- (f) "liquor" means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage alone or in combination with any other matter;
- (g) "manufacturer" means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;

- (h) “Minister” means the Minister of Consumer and Commercial Relations;
- (i) “municipality” means a city, town, village or township;
- (j) “Ontario wine” means,
 - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or
 - (ii) wine produced by the alcoholic fermentation of Ontario honey with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine;
- (k) “permit” means a permit issued under this Act;
- (l) “regulations” means the regulations made under this Act;
- (m) “sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and “sale” has a corresponding meaning;
- (n) “spirits” means any beverage that contains alcohol obtained by distillation;
- (o) “Tribunal” means the Liquor Licence Appeal Tribunal established under section 14;
- (p) “wine” means any beverage containing alcohol in a proportion that is greater than that prescribed by the regulations obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk.

Liquor
Licence
Board
established

2.—(1) The Liquor Licence Board is established and shall consist of not more than seven members appointed by the Lieutenant Governor in Council.

Chairman,
vice-
chairmen

(2) The Lieutenant Governor in Council may designate one of the members of the Board as chairman and one or more of the members as vice-chairmen.

(3) The members of the Board shall be appointed to ^{Term} hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.

(4) The members of the Board shall be paid such ^{Remuneration} salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.

(5) The chairman shall be the chief executive officer ^{Duties of chairman} of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as may be necessary for the due performance of their duties as members of the Board.

(6) The Board is a corporation to which *The Corporations Act* does not apply. ^{Corporation R.S.O. 1970, c. 89}

(7) The Board shall perform such duties as are assigned ^{Duties} to it by or under this and any other Act and shall administer and enforce this Act and the regulations.

(8) Subject to the approval of the Lieutenant Governor ^{Staff} in Council, the Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

(9) The revenues of the Board shall be paid to the ^{Finances} Treasurer of Ontario and the moneys required for the expenditures of the Board shall, until the 1st day of April, 1976, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of moneys appropriated therefor by the Legislature.

3.—(1) Subject to subsection 2, the assets, liabilities ^{Transfer of assets and obligations} and obligations of the Liquor Licence Board of Ontario, under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, existing immediately before this Act comes into force, are vested in and bind the Crown.

(2) Every contract or agreement, including collective ^{Preservation of employment agreements} agreements, respecting the employees of the Liquor Licence Board of Ontario under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and existing immediately before this Act comes into force continues and is binding on the Liquor Licence Board established by this Act.

(3) For the purposes of and subject to *The Crown Employees Collective Bargaining Act, 1972*, and the regulations ^{Bargaining unit and agent under 1972, c. 67}

thereunder, and subject to any further designation under that Act, the persons employed in the work of the Board are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes and the Liquor Control Board of Ontario and Liquor Licence Board of Ontario Employees' Association is designated as the employee organization that has representation rights in relation to such bargaining unit.

Licences and permits for sale of liquor

4.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit issued by the Board.

Soliciting orders

(2) No person shall canvass for, receive or solicit orders for the sale of liquor unless he is the holder of a licence or permit issued by the Board under subsection 1 or unless he is registered under section 39.

Exception for beer and wine stores
1975, c. 27

(3) Subsections 1 and 2 do not apply to the sale of liquor by or under the authority of the Liquor Control Board of Ontario under *The Liquor Control Act, 1975*.

Transfer of licences

(4) A licence issued under this section may be transferred, subject to the approval of the Board, on the application of the transferee.

Temporary transfers

(5) The Board may approve the transfer of a licence for a period of not more than six months, to permit the orderly disposition of licensed premises by a trustee in bankruptcy, receiver or liquidator authorized by statute or a court for the purpose or a mortgagee who enters into possession under the mortgage and section 6 does not apply.

Manufacturer's licence to sell

5.—(1) The Board may, subject to the approval of the Minister, issue a licence authorizing the manufacturer of spirits, beer or Ontario wine to keep for sale, offer for sale or sell such spirits, beer or Ontario wine to the Liquor Control Board of Ontario under *The Liquor Control Act, 1975* and the decision of the Board to issue or to refuse to issue a licence, with the approval of the Minister, is final.

Conditions

(2) A licence under subsection 1 may be issued subject to such terms or conditions as are prescribed in the licence or by the regulations.

Licence to sell other than by manufacturer

6.—(1) An applicant for a licence, or for approval of the transfer of a licence other than a licence referred to in section 5, is entitled to be issued the licence or have the transfer approved except where,

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his business;
- (b) the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business; or
 - (ii) the past conduct of its officers or directors or of a shareholder who owns or controls 10 per cent or more of its issued and outstanding equity shares as determined under section 20 affords reasonable grounds for belief that its business will not be carried on in accordance with law and with integrity and honesty; or
 - (iii) a majority of the members of the board of directors are not Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;
- (d) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty;
- (e) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations;
- (f) the premises and accommodation, equipment and facilities in respect of which the licence is issued do not comply with the provisions of this Act and the regulations applicable thereto;
- (g) in the case of an application for a licence, the issuance of the licence is not in the public interest having regard to the needs and wishes of the public in the municipality in which the premises is located.

(2) No licence shall be issued under this section or renewed ^{Where issue of licence prohibited} and no approval of the transfer of a licence shall be given,

- (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;

- (b) to a manufacturer of liquor, or his agent, or to a person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to a person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for premises in which a manufacturer of liquor has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee.

Publication
of notice of
application

(3) Where an application is made for a licence under this section and, subject to compliance with clause g of subsection 1, the applicant is not disentitled, the Board shall advertise the fact of the application, the nature of the licence applied for and the location of the premises at least twice in a newspaper having general circulation in the municipality in respect of which the licence is applied for and shall fix in the advertisement a time and place in the licensing district for the residents of the municipality to make representations to the Board concerning the application.

Public
representa-
tion

(4) The Board or such member or members thereof as are designated by the chairman shall hold a public meeting in accordance with the notice under subsection 3 for the purpose of receiving the representations referred to therein and shall take such representations into consideration for the purposes of this section.

Expiry

7.—(1) A licence issued under section 4 or 5 expires two years after its issuance or latest renewal, subject to renewal by the Board in accordance with this Act and the regulations.

First
renewal of
existing
licences

(2) The first renewal of a licence continued under section 9 may be made for a term fixed by the Board, being not less than one year and not more than two years.

Continuance
pending
renewal

(3) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Board proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the order has become final.

8.—(1) Subject to the regulations, the Board may issue a permit authorizing the holder thereof to keep for sale, offer for sale, sell or serve liquor on a special occasion.

(2) An applicant for a permit for a special occasion that complies with the regulations is entitled to be issued the permit except upon the grounds set out in clause *d*, *e* or *f* of subsection 1 of section 6 and subsection 2 of section 6 applies in respect of permits, *mutatis mutandis*, in the same way as it applies in respect of licences.

(3) A permit may be issued by an officer of the Board designated by the Board for the purpose and such officer shall refer to the Board every application for a permit or renewal that he proposes to refuse.

9.—(1) Every licence and permit issued by the Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970, and subsisting immediately before this Act comes into force continues in effect, subject to this Act, until it expires or is otherwise terminated.

(2) Every application for a licence or permit made to the Liquor Licence Board under *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970 and undisposed of when this Act comes into force is continued and shall be dealt with by the Board in accordance with this Act.

10.—(1) The Board may at any time review a licence or permit on its own initiative and attach such further terms and conditions as, it considers proper to give effect to the purposes of this Act.

(2) The Board may, on the application of the holder of a licence or permit, remove any term or condition to which the licence or permit is made subject under subsection 1 where there is a change of circumstances.

11.—(1) Subject to section 12, the Board may refuse to issue or approve the transfer of a licence under section 6 or to issue a permit under section 8 where, in the Board's

opinion, the applicant is not entitled to a licence or permit under the provisions applicable thereto.

Idem

(2) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 5 for any reason referred to in clauses *e* and *f* of subsection 1 of section 6 or where the licensee is in breach of a term or condition of his licence.

Revocation,
suspension
or refusal to
renew

(3) Subject to section 12, the Board may refuse to renew or may suspend or revoke a licence issued under section 6 for any reason that would disentitle the licensee to a licence under section 6 if he were an applicant or where the licensee is in breach of a term or condition of the licence.

Voluntary
cancellation

(4) The Board may cancel a licence upon the request in writing of the licensee in the prescribed form surrendering his licence.

Revocation
of permits

(5) Subject to section 12, the Board may revoke a permit issued under section 8 for any reason that would disentitle the holder to a permit if he were an applicant, or where the holder of the permit is in breach of a term or condition of the permit.

Notice of
proposal

12.—(1) Where the Board proposes,

- (a) to refuse to issue a licence or permit, renew a licence or approve the transfer of a licence;
- (b) to suspend or revoke a licence or permit; or
- (c) to attach terms and conditions to a licence or permit or to refuse to remove a term or condition of a licence or permit under section 10,

it shall serve notice of its proposal together with written reasons therefor on the applicant or holder of the licence or permit affected.

Interim
suspension

(2) Where the Board proposes to suspend or revoke a licence or permit the Board may, where the Board considers it to be necessary in the public interest, by order temporarily suspend the licence or permit and the order shall take effect immediately and where a hearing is required expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Board or Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

(3) A notice under subsection 1 shall inform the applicant or holder of the licence or permit that he is entitled to a hearing by the Board if he mails or delivers to the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing by the Board, and he may so require such a hearing. Notice requiring hearing

(4) Where an applicant or holder of the licence or permit does not require a hearing by the Board in accordance with subsection 3, the Board may carry out the proposal stated in its notice under subsection 1. Powers of Board where no hearing

13.—(1) Where the Board is required to hold a hearing under section 12, the chairman of the Board shall refer the application to two or more members of the Board designated by the chairman, who shall constitute the Board for the purposes of the hearing and decision. Members holding hearing

(2) The Board shall fix a time and place for the hearing of the application and shall at least ten days before the day fixed cause notice thereof to be served upon the applicant, and upon any other person appearing to the Board to have an interest in the application. Notice of hearing

(3) Every person upon whom notice of a hearing is served and any other person added by the Board is a party to the proceedings. Parties

(4) Each member of the Board has power to administer oaths and affirmations for the purpose of any of its proceedings. Oaths

(5) The Board shall hold the hearing and give its decision and reasons therefor in writing to the parties to the proceedings. Decision and reasons

(6) An order of the Board revoking or suspending a licence or permit takes effect immediately unless otherwise provided in the order but, where a hearing by the Tribunal is required, the Tribunal may grant a stay until the Tribunal makes its decision. Stay

14.—(1) The Liquor Licence Appeal Tribunal is established and shall consist of not more than seven members who shall be appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members as chairman and one or more of them as vice-chairmen. Liquor Licence Appeal Tribunal

(2) The members of the Tribunal shall be appointed to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each. Term of office

Remuneration	(3) The members of the Tribunal shall be paid such salaries or other remuneration as may be fixed by the Lieutenant Governor in Council.
Duties of chairman	(4) The chairman shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as circumstances require.
Quorum	(5) Three members of the Tribunal constitute a quorum.
Publication of decisions	(6) The Tribunal shall prepare and periodically publish a summary of its decisions and the reasons therefor.
Oaths	(7) Each member of the Tribunal has power to administer oaths and affirmations for the purpose of any of its proceedings.
Hearing by Tribunal	15. —(1) Any party to a proceeding before the Board under section 13 who is aggrieved by the decision of the Board may, within fifteen days after he is served with the decision of the Board, mail or deliver to the Board and the Tribunal a notice in writing requiring a hearing by the Tribunal.
Idem	(2) Any person to whom a notice is given under section 12 may require a hearing by the Tribunal by giving notice in accordance with subsection 1 notwithstanding that he has not first required a hearing by the Board.
Powers of Tribunal	(3) Where an applicant or holder of the licence or permit requires a hearing by the Tribunal in accordance with subsection 1, the Tribunal shall appoint a time for and hold the hearing and may by order confirm, alter or revoke the decision of the Board or direct the Board to take such action as the Tribunal considers the Board ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Board.
Conditions of order	(4) The Tribunal may attach such terms and conditions to its order or to the licence or permit as it considers proper to give effect to the purposes of this Act.
Parties	(5) The Board, the applicant or the holder of the licence or permit who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.
Members holding hearing not to have taken part in investigation, etc.	16. —(1) A member of the Tribunal holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing and shall not communicate directly or indirectly in relation

to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

(2) Notice of a hearing under section 15 shall afford the applicant or holder of the licence or permit a reasonable opportunity to show or achieve compliance before the hearing with all lawful requirements for the renewal or retention of the licence or permit. Opportunity to comply

(3) An applicant or holder of the licence or permit who is a party to proceedings under section 15 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the content of which will be given in evidence at the hearing. Examination of documentary evidence

(4) The oral evidence taken before the Tribunal shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(5) The findings of fact of the Tribunal pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971. c. 47

(6) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision. Only members at hearing to participate in decision

(7) Documents and things put in evidence at a hearing of the Tribunal shall, upon the request of the person who produced them, be released to him by the Tribunal within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

(8) Notwithstanding any limitation of time for the giving of a notice requiring a hearing by the Tribunal and where it is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for applying for the extension, the Tribunal may extend the time for giving the notice either before or after expiration of the time so limited and may give such directions as it considers proper consequent upon such extension. Extension of time for notice requiring hearing

Reasons	(9) The Tribunal shall give its decision and reasons therefor in writing to the parties to the proceedings.
Stay	(10) An order of the Tribunal revoking or suspending a licence or permit takes effect immediately but, where an appeal is made to the Supreme Court, the court may grant a stay until the disposition of the appeal.
Service	17. —(1) Any notice required to be given or served in connection with proceedings of or before the Board or the Tribunal is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made.
Where service deemed to be made	(2) Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.
Exception	(3) Notwithstanding subsections 1 and 2, the Tribunal may order any other method of service in respect of any matter before the Tribunal.
Decision of Tribunal re issuance final	18. The decision of the Tribunal respecting the issuance of or refusal to issue a licence or permit or refusal to approve the transfer of a licence is final.
Appeal from decision to revoke, etc.	19. —(1) Any party to proceedings before the Tribunal respecting the revocation, suspension or refusal to renew a licence or permit, or the imposition of or refusal to remove a term or condition of a licence or permit may appeal from the decision of the Tribunal to the Supreme Court in accordance with the rules of court.
Minister entitled to be heard	(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.
Powers of court on appeal	(3) An appeal under this section may be made on questions of law only.
"Equity share" defined	20. —(1) In this section, "equity share" means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing.
Notice of transfer of shares	(2) Every licence or permit holder that is a corporation shall notify the Board in writing within thirty days after the issue or the entry of a transfer of any shares of its capital stock or the happening of a condition by which shares

of its capital stock acquire voting rights where such issue, transfer or happening results in,

- (a) any shareholder and shareholders associated with him beneficially owning or controlling at least 10 per cent of the total number of all issued and outstanding equity shares of such stock; or
- (b) any shareholder and shareholders associated with him who already beneficially owns or controls 10 per cent or more of the total number of all issued and outstanding equity shares of such stock increasing such holding.

(3) In calculating the total number of equity shares ^{Idem} of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total of all the shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries.

(4) Where a licence or permit holder that is a corporation ^{Idem} is aware that a transfer which comes within the provisions of subsection 2 has taken place, it shall notify the Board in writing within thirty days after such knowledge came to the attention of its officers or directors, and not within thirty days of the entry of the transfer.

(5) For the purposes of subsection 2, a shareholder shall ^{Associated shareholder} be deemed to be associated with another shareholder if,

- (a) one shareholder is a company of which the other shareholder is an officer or director;
- (b) one shareholder is a partnership of which the other shareholder is a partner;
- (c) one shareholder is a company that is controlled directly or indirectly by the other shareholder;
- (d) both shareholders are companies and one shareholder is controlled directly or indirectly by the same individual or company that controls directly or indirectly the other shareholder;
- (e) both shareholders are members of a voting trust where the trust relates to shares of a corporation; or
- (f) both shareholders are associated within the meaning of clauses a to e with the same shareholder.

Application
of s. 4 (4)

(6) Where, in the opinion of the Board, an issue or transfer of equity shares of capital stock of a licensed corporation or the happening of a condition referred to in subsection 2 results in a shareholder and shareholders associated with him having a material or substantial interest in the corporation, such issue, transfer or happening shall be deemed to be a change of ownership and unless transferred under subsection 4 of section 4, the licence ceases to exist.

Investiga-
tion by
Minister

21. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971. c. 49

Investiga-
tion by
Board

22.—(1) Where, upon a statement made under oath, the Board believes on reasonable and probable grounds that any person has,

(a) contravened any of the provisions of this Act or the regulations; or

R.S.C. 1970.
c. C-34

(b) committed an offence under the *Criminal Code* (Canada) or under the law of any jurisdiction that is relevant to his fitness for a licence or permit under this Act,

the Board may, by order, appoint one or more persons to make an investigation to ascertain whether such a contravention of the Act or regulation or the commission of such an offence has occurred and the person appointed shall report the result of his investigation to the Board.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,

(a) upon production of his appointment, enter at any reasonable time the premises of such person, not including any premises or part thereof occupied as living accommodation, and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into negotiations, transactions, loans, borrowings made by or on behalf of or in relation to such person and into property, assets or things

owned, acquired or alienated in whole or in part by him or any person acting on his behalf that are relevant to the subject-matter of the investigation,

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation. Obstruction of investigator

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause *a* of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night. Search warrant

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, papers, documents or things examined under clause *a* of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated. Removal of books, etc.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

Appointment
of experts

(7) The Board may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Inspections

23. Any person designated by the Board in writing may at any reasonable time enter upon any premises in respect of which a licence or permit is issued to make an inspection for the purpose of ensuring that the provisions of this Act and the regulations and the terms and conditions of the licence or permit are being complied with, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Special
audit

24.—(1) The Board may at any time authorize and direct a representative of the Board appointed for that purpose to enter upon any premises where the books, accounts or records of or pertaining to any licensed manufacturer are kept or may be, and to inspect, study, audit, take extracts from such books, accounts or other records, and may, upon giving a receipt therefor, remove any such material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

Admissibility
in evidence

(2) Any copy made as provided in subsection 1 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

Matters
confidential

25.—(1) Every person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this Act, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Act. Testimony in civil suit

26. Subject to sections 27 and 28 and the regulations, no licence shall be issued or government store established of a class for the sale of liquor in a municipality, Prohibited areas

- (a) in which the sale of liquor or the sale of liquor under that class of licence or store was prohibited under the law as it existed immediately before this Act comes into force; or
- (b) although the sale of liquor is not prohibited by law, no licence has been issued or government store established since the 16th day of September, 1916.

27.—(1) The council of a municipality may submit one or more of the questions prescribed by the regulations respecting the authorization for the sale of liquor in the municipality to a vote of the persons appearing by the last revised list of the municipality and qualified to vote at elections of the Assembly and the council shall submit to the said vote such questions as are requested by petition signed by at least 25 per cent of the persons entitled to vote on the submission. Submission by council to vote

(2) Where 60 per cent of the electors voting on a question, required to be submitted by virtue of clause *a* of section 26, vote in the affirmative, it is lawful to establish government stores, or issue the classes of licences in the municipality accordingly. Affirmative vote

(3) Where 40 per cent of the electors voting on a question, required to be submitted by virtue of clause *b* of section 26 vote in the affirmative, it is lawful to establish government stores or issue the classes of licences in the municipality accordingly. Idem

28.—(1) The council of a municipality in which a government store is established or liquor is authorized to be sold under a licence may, and on petition as provided in section 27 shall, submit to the electors such questions respecting the closing of the store or premises as are prescribed by the regulations. Local option to cease sale

(2) Where 60 per cent of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, or licences Where negative vote polled

of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon.

Questions
not to be
submitted
again for
three years

29. Where a question is submitted in a municipality under section 27 or 28, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission.

Appoint-
ment of
managers
for vote

30.—(1) At least five weeks before the taking of a vote upon any question under section 27 or 28, the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally has all the powers and shall perform all the duties and is subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager.

Notice of
filing of
petition

(2) When a petition has been filed with the clerk of the municipality pursuant to section 27 or 28, the clerk shall give notice in writing of the filing to each of the managers, and the managers are, for a period of four weeks from the date of such notice, entitled to examine and inspect the petition.

Date of
polling
1972, c. 95

31. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Elections Act, 1972*, or any by-law passed under that Act, a poll would be held at the election of members of the council of the municipality, unless the council with the approval of the Board fixes some other day and notifies the clerk of the municipality to that effect, but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be.

Who may
vote

32.—(1) The persons qualified to vote upon a question or questions are such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions.

(2) Except as otherwise provided by this Act, the provisions of *The Election Act* respecting, Application of general law
R.S.O. 1970,
c. 142

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions apply to the taking of a vote under this Act.

(3) Subject to the approval of the Lieutenant Governor in Council, the Chief Election Officer shall give such directions and make such regulations and prepare such forms as appear to him to be necessary in carrying out sections 27 to 34 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances that may arise and that are not provided for or contemplated by sections 27 to 34. Directions as to taking vote
R.S.O. 1970,
c. 142

(4) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as is necessary. Forms

(5) The voters' lists shall be revised as provided in *The Election Act* with respect to the revision of the lists at an election to the Assembly, and polling lists shall be prepared as provided by *The Election Act*. Revision of lists

(6) It is not necessary for the polling lists for use at the taking of a vote to be printed, nor is it necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. Polling lists

(7) The treasurer of the municipality shall pay returning officers and other officers and servants such fees for services Fees and expenses

performed under sections 27 to 34, and such expenses incurred in carrying out such sections, as may be fixed by the regulations.

Returning officer

(8) The returning officer upon the taking of a vote shall be the clerk of the municipality, or, in case of his inability to act or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to Chief Election Officer

(9) The returning officer shall make his return to the Chief Election Officer showing the number of votes polled for the affirmative and negative on the question or questions submitted and, upon the receipt of such return, the Chief Election Officer shall make his return to the Lieutenant Governor in Council and give notice thereof in *The Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions.

Where validity of vote questioned

1972, c. 95

R.S.O. 1970, c. 142

33.—(1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of *The Municipal Elections Act, 1972* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set out in section 92 of *The Election Act*, and any notice of motion required under *The Municipal Elections Act, 1972* shall be served on such person as the judge or master, as defined in that Act, may direct.

Recounts

(2) Notwithstanding anything in this or any other Act, where a recount of a vote on any question or questions submitted under this Act is requested, sections 81 to 86 of *The Municipal Elections Act, 1972* apply *mutatis mutandis*.

Amalgamations, annexations not to affect status quo under Act

34.—(1) No amalgamation of a municipality with another municipality and no annexation of the whole or a part of a municipality to another municipality affects the operation of this Act at the time of the amalgamation or annexation in the municipality amalgamated or municipality or part annexed or elsewhere until such operation is affected pursuant to a vote under this Act in the municipality amalgamated or municipality or part annexed, as the case may be.

Who entitled to vote

(2) The persons qualified to vote upon any question or questions or to sign a petition pursuant to section 27 or 28 are the persons who are resident in the municipality amalgamated or municipality or part annexed, as the case may be, and who are qualified to be entered on the voters list and to vote at elections to the Assembly.

Interdiction orders

35.—(1) Where it is made to appear to the satisfaction of the Board that a person, resident or sojourning in Ontario,

by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the Board may make an order of interdiction prohibiting the sale of liquor to him until further ordered.

(2) Sections 12, 13 and 15 apply in respect of the proposal to make and the making of the interdiction order in the same manner as to a proposal to revoke and the revocation of a licence. Hearings

(3) Every interdicted person keeping or having in his possession or under his control or consuming any liquor is guilty of an offence, and the judge making the conviction may in and by the conviction declare the liquor and all packages in which the liquor is contained forfeited to Her Majesty in right of Ontario. Disregard of order

(4) Upon an order of interdiction being made, the interdicted person shall deliver forthwith to the Board all liquor in his possession or under his control to be kept for him by the Board until the order of interdiction is revoked or set aside, or, at the option of the Board, such liquor may be purchased from him at a price to be fixed by the Board. Delivery of liquor

(5) The Board shall notify all managers of government stores, and such other persons as are prescribed by the regulations of the order of interdiction. Notice of order

(6) No person shall knowingly procure for, sell or give any liquor to an interdicted person, nor directly or indirectly assist in procuring or supplying any liquor to an interdicted person. Supply of liquor to interdicted person

(7) No interdicted person shall enter upon the premises of a government store. Interdicted person not to enter government store

36. Upon an application to the Board by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the Board that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least twelve months immediately preceding the application, the Board may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all persons notified of the original order. Setting aside of interdiction order

37.—(1) In this section,

Interpretation

(a) "detoxification centre" means a public hospital designated by the regulations;

(b) "municipality" means a municipality responsible for maintaining a police force.

Taking to
detoxifica-
tion centre
in lieu
of charge

(2) Where a police officer finds a person in a public place apparently in contravention of subsection 3 of section 46, he may take such person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a detoxification centre.

Protection
from
liability

(3) No action or other proceedings for damages shall be instituted against any physician or any hospital or officer or employee thereof on the grounds only that he examines or treats without consent a person in a detoxification centre under subsection 2 who is brought to the centre by a constable or other police officer.

Detention
for
reclamation

38. Where it appears that a person in contravention of subsection 3 of section 46 may benefit therefrom, the judge may order the person to be detained for a period of ninety days or such lesser period as he thinks advisable in an institution for the reclamation of alcoholics that is designated for the purpose by the regulations, but, if at any time during this period the superintendent of the institution is of the opinion that further detention therein will not benefit him, the superintendent may release him.

Registration
of manu-
facturers'
agents

39.—(1) No person shall, directly or indirectly, hold himself out or act as agent or representative of a manufacturer in respect of the sale of liquor or canvass for, receive, take or solicit an order for the sale of liquor by a manufacturer or hold himself out or act as an agent or intermediary for the purpose unless he is registered with the Board as an agent or representative of such manufacturer.

Grounds
for refusal

(2) An applicant for registration is entitled to be registered except where the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty.

Continuation
of existing
registrations

(3) Every person registered under section 78 of *The Liquor Control Act*, being chapter 249 of the Revised Statutes of Ontario, 1970 immediately before this section comes into force continues to be registered under this Act, subject to the provisions of this Act and the regulations.

Procedures

(4) The provisions of this Act applying to the issuance, refusal, suspension or revocation of a licence apply, *mutatis mutandis*, to the granting, refusal, suspension or revocation of a registration.

Regulations

40. The Lieutenant Governor in Council may make regulations,

- (a) prescribing classes of licences and permits and the terms and conditions to which each class is subject;
- (b) providing for issuance of licences and for renewals and transfer thereof;
- (c) establishing licensing districts and prescribing the maximum number of licences for the sale of liquor in each licensing district or any part thereof;
- (d) prescribing classes of premises and confining the issuance of any specified class or classes of licences to any specified class or classes of premises;
- (e) governing and providing for the issuance of permits for special occasions and prescribing the special occasions for which permits may be issued;
- (f) providing for the registration of agents and representatives of manufacturers;
- (g) requiring the payment of fees in respect of applications for and the issuance, renewal or transfer of licences, permits and registrations;
- (h) prescribing classes of licences or permits that may be issued in respect of premises in a municipality notwithstanding section 26;
- (i) requiring the holders of licences and permits to provide the Board with such information and returns respecting the sale of liquor and the premises, methods and practices connected therewith as is prescribed and requiring any information provided to be verified by oath;
- (j) controlling the advertising of liquor or its availability for sale and requiring that the form of advertisement or public notice be subject to the approval of the Board;
- (k) exempting uses of alcohol from the application of section 49;
- (l) prescribing the questions for the purpose of voting on questions under sections 27 and 28;
- (m) prescribing the form of ballots to be used for voting upon a question submitted in a municipality;
- (n) prescribing standards for premises or the part thereof used in connection with the sale of liquor by the holders of licences and permits and the

accommodation, equipment and facilities therein and prescribing or prohibiting methods and practices in connection with the serving of liquor;

- (o) prescribing the circumstances under which the manufacturer of liquor may give by gift any liquor;
- (p) prescribing the minimum alcoholic content of wine and beer for the purposes of clauses *b* and *p* of section 1;
- (q) prescribing classes of premises in which the sale of liquor is authorized on which a person under the age of eighteen years may enter;
- (r) designating public hospitals as detoxification centres;
- (s) designating institutions for the reclamation of alcoholics detained therein under section 38 and governing the transfer and admission of persons to and detention of persons in such institutions and providing for the government and operation of such institutions;
- (t) prescribing rules for proceedings before the Board or the Tribunal;
- (u) prescribing the form and content of the application for and of the card for proof of age, requiring the payment of a fee for its issuance and prescribing the amount thereof;
- (v) exempting any person, product or premises or any class thereof from any provision of this Act or the regulations;
- (w) prescribing any matter that by this Act is required or permitted to be or referred to as prescribed by the regulations.

Intoxicating
liquor for
purposes of
R.S.C. 1970,
c. I-4

41. Liquor shall be deemed to be an intoxicating liquor for the purposes of the *Importation of Intoxicating Liquors Act* (Canada).

Unlawful
purchase

42. No person shall purchase liquor except from a government store or from a person authorized by licence or permit to sell.

Unlawful
gift by manu-
facturer

43. No manufacturer of liquor shall in Ontario, by himself, his clerk, servant or agent, give any liquor to any

person, except as is permitted by and in accordance with the regulations.

44. No person shall sell or supply liquor or permit liquor to be sold or supplied to any person in or apparently in an intoxicated condition. Sale to persons under influence

45.—(1) No person shall knowingly sell or supply liquor to a person under the age of eighteen years. Minors

(2) No liquor shall be sold or supplied to a person who is apparently under the age of eighteen years, and, in any prosecution for a contravention of this subsection, the justice shall determine from the appearance of such person and other relevant circumstances whether he is apparently under the age of eighteen years. Idem

(3) No person under the age of eighteen years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor. Minor prohibited from purchasing liquor

(4) No person under the age of eighteen years shall enter or remain on premises in which the sale of liquor is authorized except those classes of premises that are prescribed by the regulations. Idem

(5) This section does not apply to the supplying of liquor to a person under the age of eighteen years by the parent or guardian of such person in a residence as defined in section 46 or to the consumption of liquor therein by such person. Application of section

(6) A person who sells or supplies liquor to another person shall be deemed not to be in contravention of subsection 1 or 2 if, before he sells or supplies the liquor, a card in the form prescribed by the regulations is produced to him by the person to whom he sells or supplies the liquor, which purports to be issued by the Board to the person producing it and if there is no apparent inconsistency on the face of the card or between the card and the person producing it. Card as proof of age

46.—(1) In this section, Interpretation

(a) “public place” means a place to which the general public is invited or permitted access, whether or not for a fee;

(b) “residence” means a place that is actually occupied and used as a dwelling, whether or not in common

with other persons, including all premises used in conjunction therewith that is not a public place, and where the place occupied and used as a dwelling is a tent, includes the land immediately adjacent and used in conjunction therewith.

Unlawful
consumption

(2) No person shall consume liquor in any place other than a premises in respect of which a licence or permit is issued or a residence.

Intoxication
in public
place

(3) No person shall be in an intoxicated condition in a public place or in any part of a residence that is used in common by persons occupying more than one dwelling therein.

Arrest
without
warrant

(4) A police officer may arrest without warrant any person whom he finds contravening subsection 3 where to do so is necessary to protect that person or another from injury.

Power to
eject from
licensed
premises

47.—(1) The holder of a licence or permit issued in respect of premises shall ensure that any person whom he has reasonable grounds to believe,

- (a) is unlawfully on the premises;
- (b) is on the premises for an unlawful purpose; or
- (c) is contravening the law on the premises,

does not remain on the premises and may request the person to leave the premises immediately and if the request is not forthwith complied with may remove him or cause him to be removed by the use of no more force than is necessary.

Order to
vacate
premises

(2) Where there are reasonable grounds to believe that a disturbance or breach of the peace is being caused on a licensed premises sufficient to constitute a threat to the public safety, a police officer may require that all persons vacate the premises and the holder of the licence or permit shall ensure, with the assistance of the peace officer, if necessary, that the premises are vacated.

Conveying
liquor in
vehicle
R.S.O. 1970.
c. 202

48.—(1) No person shall drive or have the care or control of a motor vehicle as defined in *The Highway Traffic Act* or motorized snow vehicle, whether it is in motion or not, while there is contained therein any liquor, except,

- (a) liquor in a bottle or package that is unopened and the seal unbroken; or
- (b) liquor in a bottle or package that is packed with personal effects in baggage that is fastened closed or that is not otherwise readily available to any person in the vehicle.

(2) A police officer may at any time, without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, and search any person found in such vehicle or other conveyance. Search of vehicles

49. No person shall,

Unlawful
consumption
of alcohol

(a) drink alcohol in a form that is not a liquor; or

(b) supply alcohol in a form that is not a liquor to another when he knows or ought to know that the other intends it to be used as a drink.

50.—(1) No person shall advertise liquor or display public notice that liquor is available for sale except in accordance with the regulations. Regulation of
advertising

(2) Where the Board believes on reasonable and probable grounds that any advertisement or public notice is in contravention of this Act or the regulations, the Board may order the immediate cessation of the use of such advertisement or notice, and the provisions of this Act applying to the imposition by the Board of a condition of the licence apply *mutatis mutandis* to the order, and the order of the Board shall take effect immediately, but the Tribunal may grant a stay until the Board's order becomes final. Order of
cessation

51.—(1) Liquor kept for sale or offered for sale in contravention of section 4 and liquor purchased in contravention of section 42 is forfeited to the Board. Forfeiture
of liquor

(2) Where liquor to which subsection 1 applies is seized by a police officer, he shall forthwith make or cause to be made a report of the particulars of the seizure to the Board and shall deliver the liquor or cause the liquor to be delivered to the Board as soon as the due process of the law permits. Report and
delivery

52.—(1) Any person who is over the age of eighteen years and not an interdicted person may apply to the Board for a card certifying that such person has attained the age of eighteen years. Card
certifying
age

(2) A card issued by the Board shall contain a photographic likeness of the applicant and otherwise be in the form prescribed by the regulations. Form of
card

(3) No person shall supply false information or a false photographic likeness in an application made under subsection 1, or alter in any way, any card issued by the Board. False
information

False
card

(4) No person shall present as evidence of his age any card purporting to be issued by the Board other than a card issued to him by the Board.

Civil
liability

53. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,

R.S.O. 1970,
c. 164

- (a) commits suicide or meets death by accident, an action under *The Fatal Accidents Act* lies against the person who or whose servant or agent sold the liquor; or
- (b) causes injury or damage to the person or property of another person, such other person is entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor.

Arrest
without
warrant

54. Where a police officer finds a person contravening this Act and such person refuses to give his name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest such person without warrant.

Offences

55. —(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) knowingly fails to comply with an order of the Board under subsection 2 of section 50;
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corpora-
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

(3) No proceeding to prosecute under clause *a* or *b* of sub-section 1 shall be instituted except with the consent of the Minister. ^{Consent of Minister}

(4) No proceeding to prosecute under clause *a* of sub-section 1 shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Board. ^{Limitation}

(5) No proceeding to prosecute under clause *b* or *c* of sub-section 1 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. ^{Idem}

56.—(1) Where liquor is found by a police officer under circumstances where the liquor constitutes evidence necessary to prove a contravention of this Act, the police officer may seize and take away the liquor and packages in which it is kept. ^{Seizure of liquor}

(2) A provincial court judge may, upon the application of any person made within thirty days of a seizure under subsection 1, order that the things seized be restored forthwith to the applicant where the judge is satisfied that, ^{Order of restoration}

(a) the applicant is entitled to possession of the things seized; and

(b) the things seized are not required as evidence in any proceedings in respect of an offence under this Act,

and where the judge is satisfied that the applicant is entitled to possession of the things seized but is not satisfied as to the matter mentioned in clause *b*, he shall order that the things seized be restored to the applicant,

(c) upon the expiration of three months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced; or

(d) upon the final conclusion of any such proceedings.

(3) Where no application has been made for the return of any thing seized under subsection 1 or an application has been made but upon the hearing thereof no order of restoration has been made, the thing seized is forfeited to the Board. ^{Forfeiture}

(4) Where a person is convicted of an offence under this Act, any thing seized under subsection 1 by means of which the offence was committed is forfeited to the Board. ^{Idem}

Certificate
as evidence

57. A statement as to,

- (a) the licensing or non-licensing of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Board;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Board; or
- (d) any other matter pertaining to such licence, non-licensing, filing or non-filing,

purporting to be certified by the chairman of the Board is, without proof of the office or signature of the chairman, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Analysis

58. In any prosecution under this Act or the regulations, upon production of a certificate or report signed or purporting to be signed by a federal or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, the certificate or report is conclusive evidence of the facts stated in the certificate or report and of the authority of the person giving or making it without any proof of appointment or signature.

Exception
for drugs
and
medicines
1974, c. 47

59. Nothing in this Act prevents the sale,

- (a) of a drug dispensed as a medicine by a person authorized to do so under *The Health Disciplines Act, 1974*;
- (b) of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in Part VI of *The Health Disciplines Act, 1974* for a person under health care provided by such hospital or health or custodial institution;
- (c) subject to section 49, of a medicine registered under the *Proprietary or Patent Medicine Act* (Canada); or
- (d) of a drug to a person authorized under *The Health Disciplines Act, 1974* to dispense, prescribe or administer drugs,

R.S.C. 1970,
P-25

or the purchase of such drug or medicine sold in accordance with this section.

60. The following are repealed:

Repeals

1. *The Liquor Licence Act*, being chapter 250 of the Revised Statutes of Ontario, 1970.
2. *The Liquor Licence Amendment Act, 1971*, being chapter 35.
3. *The Liquor Licence Amendment Act, 1973*, being chapter 68.
4. Paragraph 19 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

61. This Act comes into force on a day to be named by ^{Commence-}proclamation of the Lieutenant Governor.^{ment}

62. This Act may be cited as *The Liquor Licence Act, 1975*.^{Short title}

The Liquor Licence Act, 1975

1st Reading

April 15th, 1975

2nd Reading

June 3rd, 1975

3rd Reading

June 24th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

CAZON
XB
-B56

BILL 46
///

Government
Publications
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
/ //

An Act to amend The Mental Health Act

MR. ROY



EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.

BILL 46

1975

An Act to amend The Mental Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The Mental Health Act*, being chapter 269 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof "and the person shall be examined by at least one psychiatrist", so that the subsection shall read as follows:

s. 14 (1),
amended

(1) Where a judge has reason to believe that a person who appears before him charged with or convicted of an offence suffers from mental disorder, the judge may order the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.

Judge's
order for
examination

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Mental Health Amendment Act*, 1975.

Commence-
ment

Short title

An Act to amend
The Mental Health Act

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. ROY

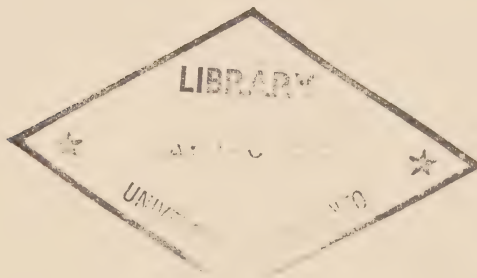
(Private Member's Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

An Act to amend The Public Hospitals Act

MR. ROY



EXPLANATORY NOTE

The Bill provides for appeal directly to the Court of Appeal and requires that a decision of the Appeal Board remains in force and effect until the court renders its decision.

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 50 of *The Public Hospitals Act*, being ^{s. 50 (1), re-enacted} chapter 378 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is repealed and the following substituted therefor:

(1) Any party to proceedings before the Appeal Board ^{Appeal from decision of Appeal Board} may appeal from its decision to the Court of Appeal in accordance with the rules of court.

(1a) Where any party appeals from a decision of the Appeal Board, the decision of the Appeal Board shall ^{Decision of Appeal Board to remain in force} remain in force and effect until the decision of the court is rendered.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Public Hospitals Amendment Act, 1975*. ^{Short title}

An Act to amend
The Public Hospitals Act

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N

XB

-B56

Government
Publications

BILL 48

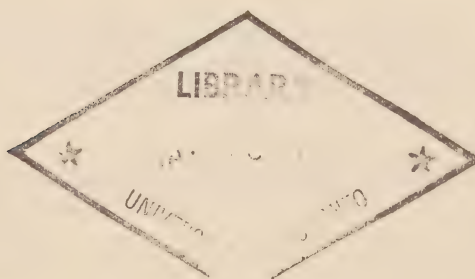
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to establish The Ontario Bill of Rights

MR. ROY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill will provide for an Ontario Bill of Rights. The Canadian Bill of Rights enacted by the Parliament of Canada in 1960 provides for the protection of certain human rights and fundamental freedoms but its effectiveness is limited by the fact that it operates only within the fields of the federal Parliament's constitutional authority. The Ontario Bill of Rights is intended to provide for the protection of those same human rights and fundamental freedoms so that, in Ontario, those rights and freedoms will have protection in both provincial and federal fields of legislative jurisdiction. The result will be to have those rights and freedoms protected in Ontario under a single legislative shield consisting of the Canadian Bill of Rights and The Ontario Bill of Rights.

The effect of the Bill will be to have the Legislature, out of its respect for those rights and freedoms, limit its powers to enact statutes and regulations.

An Act to establish The Ontario Bill of Rights

WHEREAS the free and democratic society existing in Ontario is founded upon principles, fostered by tradition, that honour and respect human rights and fundamental freedoms and the dignity and worth of the human person; and whereas the Parliament of Canada, being desirous of enshrining certain principles and the human rights and fundamental freedoms derived from them, enacted the Canadian Bill of Rights in order to ensure the protection of those rights and freedoms in Canada in matters coming within its legislative authority; and whereas the Legislature of Ontario, affirming those principles and recognizing the need to ensure the protection of those rights and freedoms in Ontario in matters coming within its legislative authority, desires to enact The Ontario Bill of Rights.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby recognized and declared that in Ontario there exist, without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

Declaration
of rights and
fundamental
freedoms

- (a) the right of the individual to liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and

(f) freedom of the press.

Construction
and applica-
tion of
statutes and
regulations

2. Every statute and regulation of Ontario shall, unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared.

Rights
preserved

3.—(1) Nothing in this Act shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated herein that may have existed in Ontario at the commencement of this Act.

Jurisdiction
of
Legislature

(2) The provisions of this Act shall be construed as extending only to matters coming within the legislative authority of the Legislature of Ontario.

Notice to
Attorney
General

4.—(1) Where in any action or other proceeding a question arises as to whether any law of Ontario abrogates, abridges or infringes, or authorizes the abrogation, abridgment or infringement, of any of the rights and freedoms herein recognized and declared, no adjudication on that question is valid unless notice has been given to the Attorney General.

Attorney
General
may appear

(2) Where the Attorney General has notice under subsection 1, he may, in person or by counsel, appear and participate in that action or proceeding on such terms and conditions as the court, person or body conducting the proceeding may consider just.

Law of
Ontario
defined

5. In this Act, "law of Ontario" means,

- (a) any Act of the Legislature of Ontario enacted before, on or after the commencement of this Act; and
- (b) any order, rule or regulation made or approved by the Lieutenant Governor in Council or by a Minister of the Crown before, on or after the commencement of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ontario Bill of Rights, 1975*.

BILL 48

An Act to establish
The Ontario Bill of Rights

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N
XB
-B56

BILL 49
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Government
Publications

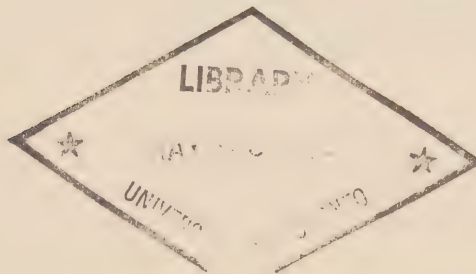
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
//

An Act to amend The Landlord and Tenant Act

MR. BRAITHWAITE



EXPLANATORY NOTES

The amendment provides for mandatory Landlord and Tenant Review Boards in municipalities with populations of over 150,000 persons.

These Boards would have the power to determine the amount of rents and to order tenants removed from premises for non-payment of rent or wilful damage to premises.

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 110 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 110,
re-enacted

110.—(1) In this section,

Interpre-
tation

- (a) “Board” means a Landlord and Tenant Review Board established under this Act;
- (b) “municipality” means a local municipality and includes a metropolitan municipality and a regional municipality but does not include an area municipality thereof.

(2) The council of every municipality, where the population of the municipality is greater than 150,000 persons, shall by by-law establish a Landlord and Tenant Review Board, subject to the approval of the Lieutenant Governor in Council. By-laws to
establish
Landlord and
Tenant
Review
Board

(3) The council of every municipality referred to in subsection 2 shall appoint five members to the Board, one of whom shall be chairman and one of whom shall be vice-chairman, except that no elected official of the municipality may be a member of the Board. Composition
of Board

(4) At least three members of a Board, one of whom shall be the chairman or vice-chairman, constitute a quorum. Quorum

(5) The chairman shall have general supervision and direction over the conduct of the affairs of a Board. Duties of
chairman

(6) The objects of a Board are and it has the power, Objects and
powers

- (a) to advise landlords and tenants in tenancy matters;
- (b) to receive complaints and seek to mediate disputes between landlords and tenants;
- (c) to disseminate information for the purpose of educating and advising landlords and tenants concerning rental practices, rights and remedies;
- (d) to receive and investigate complaints of conduct in contravention of legislation governing tenancies;
- (e) to conduct hearings concerning rent increases and to order landlords to decrease or freeze rents;
- (f) to conduct hearings concerning vandalism and damage to premises by tenants and to order a tenant to be removed from a premises where wilful damage has occurred;
- (g) to conduct hearings concerning rent arrears by a tenant where the arrears are for two months or more, and to order a tenant to be removed from a premises where the arrears in rent are substantial.

Time and
place of
hearings

(7) Every Board appointed under subsection 2 shall meet at least twelve times a year at such places to be determined by the Board.

Application
by tenant

(8) Where a tenant is in possession of residential premises and his continuing in possession is subject to the payment of an increased rent, the tenant may apply to a Board for a review of the amount of the rent.

Application
by landlord

(9) A landlord may apply for a review and for an order to have a tenant evicted where the tenant is in arrears of rent for more than two months or where the tenant has inflicted wilful damage on the premises.

Parties

(10) The landlord, the tenant and any other person specified by the Board are parties to the hearing.

Notice of
hearing

(11) The Board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

Application
of 1971, c. 47

(12) Sections 6 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Rental and
eviction
orders

(13) A Board shall after a hearing determine,

- (a) the amount of rent that is reasonable in all the circumstances and may order that the rental agreement be continued at the rental mentioned in the order; or
- (b) whether or not a tenant should be removed from a premises because of non-payment of rent or wilful damage to the premises,

as the case may be.

(14) A landlord shall not terminate a rental agreement except for cause while an application to a Board under this section is pending.

Termination
of tenancy
while
application
pending

(15) In the case of a weekly or monthly tenancy, the Board may order that the landlord shall not terminate the tenancy, except for cause, for a period named in the order, not exceeding one year.

Termination
of periodic
tenancy after
order

- 2. This Act comes into force on the day it receives Royal Assent.
 - 3. This Act may be cited as *The Landlord and Tenant Amendment Act, 1975*.
- Commence-
ment

Short title

An Act to amend
The Landlord and Tenant Act

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CA20N

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-B56

Government
Publications

BILL 50

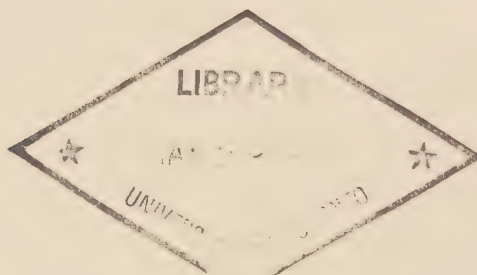
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Public Health Act

MR. BRAITHWAITE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the marking of dates on perishable food packages which will clearly, without the use of a code or guide, indicate the date the food was packaged together with the expiry date.

BILL 50

1975

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 80, section 1 and 1974, chapter 61, section 3, is further amended by adding thereto the following paragraph:
 45. prescribing the manner in which packages and containers of perishable foods shall be marked so as to clearly indicate without the use of a code or guide the date that the food was packaged and the expiry date.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Public Health Amendment Act, 1975*.

An Act to amend
The Public Health Act

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CA20N

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-B56

Government
Publications

BILL 51

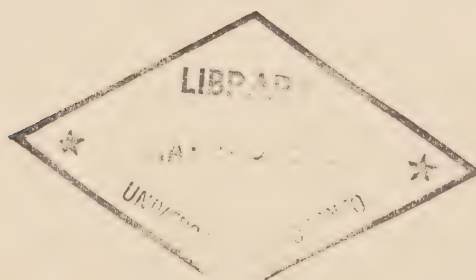
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Athletics Control Act

MR. BRAITHWAITE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prohibit the practice whereby senior house leagues require individual leagues to submit personal information on members. The Bill would also prohibit the selling of the names of league members to companies who wish to compile mailing lists.

BILL 51

1975

An Act to amend The Athletics Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 13 of *The Athletics Control Act*, <sup>s. 13 (1),
amended</sup> being chapter 35 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:
 - (p) defining “house league” and “senior house league” for the purposes of this Act and the regulations;
 - (q) prohibiting senior house leagues from requiring personal information on individual members of house leagues to be submitted as a requirement of membership in the league;
 - (r) prohibiting the selling or dissemination of information concerning individual members of house leagues by senior house leagues.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Athletics Control Amendment Act, 1975*. ^{Short title}

BILL 51

An Act to amend
The Athletics Control Act

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CA20N
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-B56

Government
Publications

BILL 52

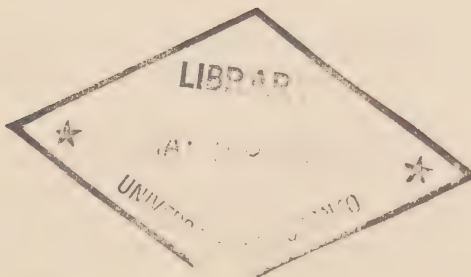
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Environmental Protection
Act, 1971

MR. BRAITHWAITE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for noise control regulations on a province-wide basis rather than by by-laws passed by individual municipalities.

BILL 52

1975

An Act to amend The Environmental Protection Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 95a of *The Environmental Protection Act, 1971*, ^{s. 95a, re-enacted} being chapter 86, as enacted by the Statutes of Ontario, 1974, chapter 125, section 3, is repealed and the following substituted therefor:

95a.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) regulating or prohibiting the emission of sounds or vibrations;
- (b) providing for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sounds or vibrations;
- (c) prescribing maximum permissible levels of sounds or vibrations that may be emitted;
- (d) prescribing procedures for determining the levels of sounds or vibrations that are emitted,

and such regulations may make different provisions for different areas of the Province and may make provision for exempting any person, equipment or premises from any provision of the regulations for such period of time and subject to such terms and conditions as may be set out or provided for in the regulations.

(2) A regulation passed pursuant to subsection 1 may ^{Adoption of codes} adopt by reference, in whole or in part, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

s. 96 (2),
re-enacted

- 2.** Subsection 2 of section 96 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 125, section 4, is repealed and the following substituted therefor:

Idem

(2) Subsection 1 does not apply in respect of section 95a and the enactment of section 95a or a regulation pursuant to section 95a does not affect the validity of an Act that is in force immediately before the coming into force of section 95a.

Commence-
ment

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Environmental Protection Amendment Act, 1975*.

An Act to amend
The Environmental Protection
Act, 1971

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CA20N

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-B56

Government
Publications

BILL 53

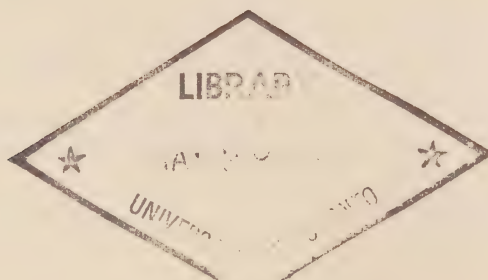
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to establish the Ontario Waste Disposal
and Reclamation Commission**

MR. NEWMAN (Windsor-Walkerville)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes the Ontario Waste Disposal and Reclamation Commission.

BILL 53

1975

An Act to establish the Ontario Waste Disposal and Reclamation Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "Commission" means the Ontario Waste Disposal and Reclamation Commission;
 - (b) "Minister" means the Minister of the Environment.
- 2.—(1) A Commission to be known as the "Ontario Waste Disposal and Reclamation Commission" is hereby established. Commission
established
- (2) The Commission shall be composed of not fewer than seven members appointed by the Lieutenant Governor in Council. Composition
3. The Lieutenant Governor in Council may designate one of the members to be chairman of the Commission. Chairman
4. Five members of the Commission constitute a quorum. Quorum
5. The Lieutenant Governor in Council may fill any vacancy among the members of the Commission. Vacancies
- 6.—(1) The objects of the Commission are and it has power, Objects
and powers
 - (a) to provide solid waste disposal and reclamation services throughout the province, including incineration and landfill;
 - (b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;

(c) to study methods of marketing reclaimed materials;
and

(d) to provide waste collection services in areas where it
would be uneconomical for local authorities to do so.

Further
powers

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

7. The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

Annual
report

8. The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Ontario Waste Disposal and Reclamation Commission Act, 1975*.

An Act to establish the Ontario Waste Disposal and Reclamation Commission

1st Reading

April 15th, 1975

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Member's Bill)

CA20N
XB
-B56

BILL 54

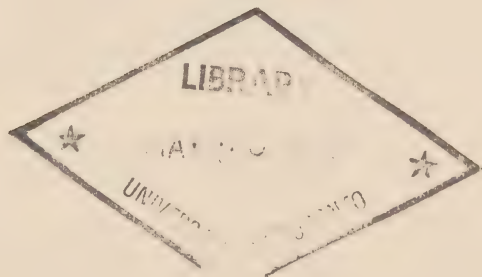
Government
Publications
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Family Benefits Act

MR. MARTEL



EXPLANATORY NOTE

The purpose of the amendment is to remove any reference to the sex of the parent, thereby enabling either the mother or father of the child to be eligible for benefits.

An Act to amend The Family Benefits Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of subsection 1 of section 7 of *The Family Benefits Act*, being chapter 157 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*d*) who is a single parent with a dependent child and,

- (i) who is a widow or widower, or
- (ii) whose spouse has deserted the family for three months or more, or
- (iii) whose spouse is a patient in a sanatorium, hospital or similar institution, or
- (iv) whose spouse is imprisoned in a penal institution and at the date of the application has a term of imprisonment remaining to be served of six months or more, or
- (v) who is divorced from the parent of the dependent child and has not remarried, or
- (vi) a mother, whose dependent child was born out of wedlock, where the mother is sixteen years or more of age and her dependent child is three months or more of age; or

.

- (2) Clause *e* of subsection 1 of the said section 7, as re-enacted <sup>s. 7 (1) (e),
repealed</sup> by the Statutes of Ontario, 1971, chapter 92, section 4, is repealed.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Family Benefits Amendment Act, 1975*.

An Act to amend
The Family Benefits Act

1st Reading

April 17th, 1975

2nd Reading

3rd Reading

MR. MARTEL

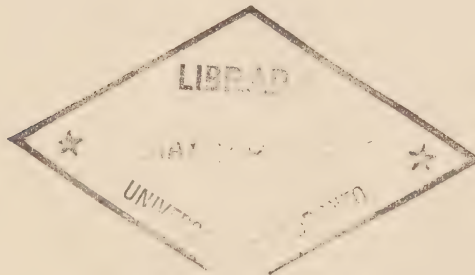
(Private Member's Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

An Act to amend The Consumer Protection Act

MR. BRAITHWAITE



EXPLANATORY NOTE

The purpose of the Bill is to eliminate the practice prevalent in super-markets and large chain stores of repricing upward goods already on the shelves.

BILL 55

1975

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

46b. No seller shall sell or offer for sale an article, where the article has been marked by the seller to sell at a certain price, at a price higher than that already marked on the article or, where the article is packed, at a price higher than that already marked on the package.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Consumer Protection Amendment Act, 1975*.

BILL 55

An Act to amend
The Consumer Protection Act

1st Reading

April 17th, 1975

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CAZON
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-B56

Publications

BILL 56
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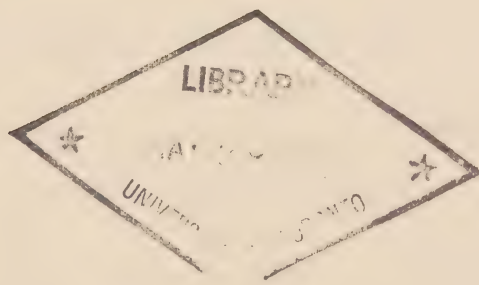
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Highway Traffic Act

MR. ROY



EXPLANATORY NOTE

The Bill provides for the compulsory wearing of seat belts while driving or travelling in a motor vehicle other than a motorcycle.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

63a.—(1) Subject to subsection 3, no person, while driving or travelling upon a highway in a motor vehicle, shall occupy a seat in the motor vehicle in a seat position to which a seat belt has been fitted unless he is wearing the seat belt properly adjusted and securely fastened. Seat belts compulsory
s. 63a,
enacted

(2) No person, while travelling upon a highway in a motor vehicle, shall occupy a seat in the motor vehicle in a seat position to which no seat belt has been fitted unless, Idem

- (a) all seat positions for which seat belts are fitted are occupied; and
- (b) he is seated in the rear compartment of the motor vehicle.

(3) This section does not apply to,

Exceptions

- (a) a person driving or travelling upon a highway on a motorcycle;
- (b) a person driving a motor vehicle in reverse;
- (c) the holder of a certificate signed by a legally qualified medical practitioner certifying,
 - (i) that the person named in the certificate is, for the period stated in the certificate, unable for medical reasons to wear a seat belt, or

(ii) that the person named in the certificate is, because of his size, build or other physical characteristics, unable to drive or travel in a motor vehicle with safety while wearing a seat belt ;

(d) a person who is engaged in work which requires him to alight from and return to a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in the motor vehicle at a speed exceeding 25 miles per hour ; or

(e) a person under the age of eight years.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1975*.

An Act to amend
The Highway Traffic Act

1st Reading

April 17th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N
XB
-B56

Publications

BILL 57

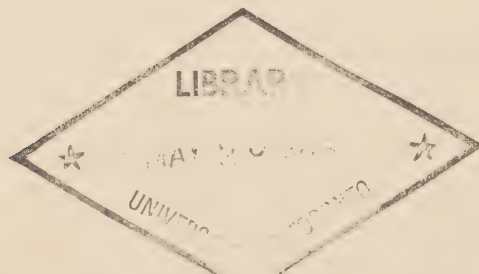
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

An Act to amend The Highway Traffic Act

MR. ROY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to lower the speed limit on Ontario Highways to 55 miles per hour.

BILL 57

1975

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 82 of *The Highway Traffic Act*, ^{s. 82 (5), amended} being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by striking out “60” in the fifth line and inserting in lieu thereof “55”.
- (2) Subsection 11 of the said section 82 is amended by adding ^{s. 82 (11), amended} at the end thereof, “but such rate of speed shall not be more than 55 miles per hour”.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Highway Traffic Amendment Act*, ^{Short title} 1975.

An Act to amend
The Highway Traffic Act

1st Reading

April 17th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N
XB
-B56

Publications

BILL 58

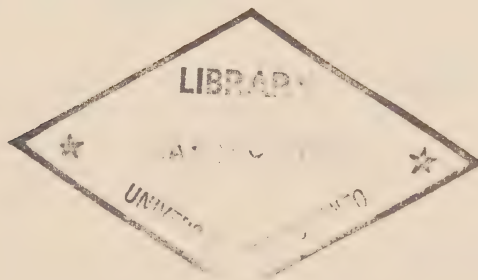
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Business Corporations Act

MR. ROY



EXPLANATORY NOTE

The purpose of this Bill is to prevent corporations from forcing persons to submit their fingerprints in exchange for the right to shop at stores owned by the corporation.

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections: ss. 20a, 20b,
enacted

20a.—(1) Subject to subsection 2, no corporation shall require a person to submit a fingerprint as part of a contract for goods or services supplied by the corporation. Finger-
prints
prohibited

(2) A corporation may require a fingerprint to be submitted by a person where, Exception

(a) payment for the goods and services supplied by the corporation is to be by means of a cheque; and

(b) the person is not able to supply any other form of identification other than a fingerprint.

(3) Where a fingerprint is required under subsection 2, the corporation requiring the fingerprint shall post a sign on the outside or entrance way to the corporation sufficient to notify a person before he begins to contract for goods or services that a fingerprint may be required. Notice to
be given

20b.—(1) Where a fingerprint is submitted under subsection 2 of section 20a, the fingerprint shall be used only to verify the identification of the person submitting the fingerprint and shall be returned to that person after the verification has been made. Verification
only

(2) No copy either by photocopying, Xerox or any other means of copying shall be made of a fingerprint submitted under subsection 2 of section 20a. No copies
to be made

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Business Corporations Amendment Act, 1975*.

BILL 58

An Act to amend
The Business Corporations Act

1st Reading

April 17th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

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-B56

BILL 59

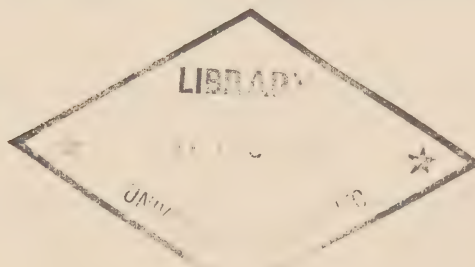
Government
Printed

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Forestry Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Forestry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Forestry Act*, being chapter 181 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (b),
re-enacted

(b) "Minister" means the Minister of Natural Resources;

(ba) "Ministry" means the Ministry of Natural Resources.

2. The said Act is amended by adding thereto the following section: s. 3a,
enacted

3a.—(1) The Minister, subject to the approval of the Lieutenant Governor in Council, may establish programs for the encouragement of forestry. Establish-
ment of
programs

(2) A program may determine the conditions under which services are provided by the Ministry and expenses are allowed or grants are payable. Conditions
to services
or grants

(3) A program may require that fees be paid by persons engaged in forestry to which the program applies and may fix the amounts thereof. Fees

(4) A program may be made effective retroactively to a date not earlier than the 1st day of January, 1973. Program may
be retro-
active

(5) The moneys required for the purposes of a program shall, in respect of the years 1973 and 1974, be paid out of the Consolidated Revenue Fund and for any year thereafter shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Forestry Amendment Act, 1975*. Short title

An Act to amend
The Forestry Act

1st Reading

April 18th, 1975

2nd Reading

April 29th, 1975

3rd Reading

April 29th, 1975

THE HON. L. BERNIER
Minister of Natural Resources

CA20N

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Government
Publications

BILL 60

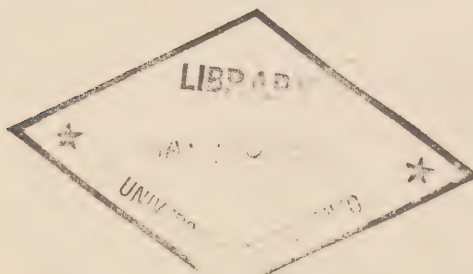
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Ministry of Government Services Act, 1973

MR. SINGER



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill expands the present section of the Act to require tenders for the purchase of real or personal property exceeding \$750.

BILL 60

1975

**An Act to amend
The Ministry of Government Services Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Ministry of Government Services Act, 1973*, ^{s. 13,} being chapter 2, is repealed and the following substituted therefor: ^{re-enacted}

13. Before the Minister, for and in the name of the Crown, ^{Tenders} enters into a contract in respect of the construction, renovation or repair of a public work or the purchase of any commodity or real property or interest therein, he shall invite tenders therefor, except,

- (a) in cases of emergency where in the opinion of the Minister delay would be damaging; or
- (b) where the estimated cost of the work is less than \$750,

and the Minister shall report all cases referred to in clause *a* to the Legislature forthwith, if it is in session or, if not, at the next ensuing session.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Ministry of Government Services* ^{Short title}
Amendment Act, 1975.

An Act to amend
The Ministry of Government
Services Act, 1973

1st Reading

April 21st, 1975

2nd Reading

3rd Reading

MR. SINGER

(Private Member's Bill)

CA20N
XB
-B56

Government
Publications

BILL 61

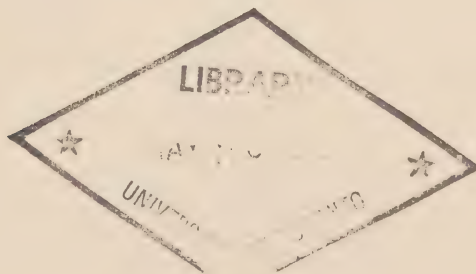
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act for the Promotion and
Protection of the Health and Safety
of Persons engaged in Occupations

MR. MARTEL



EXPLANATORY NOTE

The purpose of the Bill is to consolidate matters dealing with the health and safety of workers and place them under the jurisdiction of the Ministry of Labour.

The Bill also establishes a department, to be part of the Ministry of Labour, which is responsible for research and the setting and enforcing of standards to protect workers.

BILL 61

1975

An Act for the Promotion and Protection of the Health and Safety of Persons engaged in Occupations

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "chief occupational medical officer" means the person appointed as the chief occupational medical officer pursuant to section 7;
- (b) "council" means the Occupational Health Council appointed under section 8;
- (c) "department" means the occupational health and safety department established pursuant to section 2;
- (d) "International Standard Classification of Occupations" means the booklet as published and revised from time to time by the International Labour Organization and entitled "International Standard Classification of Occupations";
- (e) "Minister" means the Minister of Labour;
- (f) "Ministry" means the Ministry of Labour;
- (g) "occupation" means employment, business, calling or pursuit but does not include an endeavour not constituting one of the classes of occupations in the International Standard Classification of Occupations;
- (h) "occupational health" means,
 - (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers,

- (ii) the prevention among workers of ill health caused by their working conditions,
 - (iii) the protection of workers in their employment from risks resulting from factors adverse to health,
 - (iv) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition;
- (i) "occupational health officer" means a person designated as an occupational health officer under section 5;
- (j) "occupational health service" means a service organized in or near a place of employment for the purposes of,
- (i) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on,
 - (ii) ensuring the workers' physical and mental adjustment in their employment and ensuring their assignment to jobs for which they are suited, and
 - (iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers;
- (k) "occupational rehabilitation" means measures that assist workers to return to work following injury or disease however caused and that assist persons suffering from the disabling effects of injury, disease or congenital deformity in obtaining or retaining employment;
- (l) "place of employment" means any building, workshop, structure, mine or other premises in which one or more workers usually work;
- (m) "worker" means a person who is engaged in an occupation;
- (n) "working place" means a location other than a place of employment where one or more workers are engaged in work.

2. For the purpose of providing for the administration of this Act, the Minister shall establish a department within the Ministry to be known as the occupational health and safety department.

Department
established

3. The department shall,

Duties of
department

- (a) be concerned with occupational health generally and the maintenance of reasonable standards for the protection of the health and safety of workers in Ontario;
- (b) be responsible for the day to day administration of this Act and the regulations;
- (c) prepare and maintain morbidity and accident statistics relating to workers and do so either alone or in conjunction with the Workmen's Compensation Board and the Ministry of Health; and
- (d) do such other things in connection with occupational health as the Minister may direct.

4. The department may,

Powers of
department

- (a) provide assistance to persons concerned with occupational health and provide services to assist persons in charge of the operation of places of employment and working places in maintaining reasonable standards for the protection of the health and safety of workers;
- (b) promote or conduct studies and research projects in connection with problems relating to the health and safety of workers; and
- (c) encourage or conduct educational programs for promoting the health and safety of workers.

5. The Minister may designate as occupational health officers any of the persons employed in the department.

Designation
of occupa-
tional health
officers

6.—(1) For the purpose of the administration of this Act, an occupational health officer may,

Powers of
occupa-
tional
health
officer

- (a) enter and inspect a place of employment and a working place and every part thereof at all reasonable times both day and night without prior notification when he has reasonable grounds to believe that a worker is employed therein or

thereat, and test, take such samples and make such examinations as he considers necessary or advisable;

- (b) require the production of the records, documents and reports kept pursuant to this Act, and inspect, examine and make a copy of any of them;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with;
- (d) require any person whom he finds in or at a place of employment or working place to give such information as it is in his power to give as to who is the person in charge of the operation of the place of employment or working place;
- (e) take with him to a place of employment or working place, one or more persons to assist him, and may make arrangements with the person in charge of the operation of a place of employment or working place for an assistant to enter the place of employment or the working place and conduct tests or take samples;
- (f) do such other things as may be authorized by the Minister.

Idem

(2) The person in charge of the operation of a place of employment or working place and his agents and servants shall furnish such means required by an occupational health officer as are necessary for an entry, inspection, examination, inquiry, the making of tests and the taking of samples or otherwise for the exercise of his powers under this Act in relation to that place of employment or working place.

Appoint-
ment of
medical
practitioner
as chief
occupa-
tional
medical
officer

7. The Minister shall appoint as chief occupational medical officer for the purposes of this Act a person who is a legally qualified medical practitioner and who has training and experience in occupational health.

Appoint-
ment of
Occupational
Health
Council

8.—(1) Subject to subsection 2, the Lieutenant Governor in Council may appoint a council to be known as the Occupational Health Council consisting of not less than nine or more than twelve persons whose particular knowledge and experience would be of assistance in the giving of advice concerning the protection and promotion of the health and safety of persons at work and with respect to occupational health generally.

(2) The membership of the council shall include persons ^{Membership} who represent agriculture and management and labour respectively in the field of industry.

(3) One of the members of the council shall be designated ^{Chairman} as chairman by the Lieutenant Governor in Council.

(4) The member designated as chairman shall hold office ^{Term of office} at the pleasure of the Lieutenant Governor in Council.

(5) The members of the council other than the chairman ^{Idem} shall be appointed for terms of office of such duration so that at any given time there will likely be some members who will have been in office for a sufficient period to have gained experience as council members.

(6) Each member of the council shall hold office until ^{Idem} his successor is appointed and may be reappointed from time to time.

(7) The council shall meet at the call of the Minister or ^{Time of meetings} the chairman but in any case at least once a year.

9. The council may make recommendations to the Minister, ^{Duties and powers of council}

- (a) concerning occupational health generally and the protection of the health and safety of workers in specific kinds of situations;
- (b) concerning the appointment of other committees by the Minister to assist in the administration of this Act;
- (c) concerning any other matter referred to it by the Minister for recommendation.

10. The Minister may, on the recommendation of the council, appoint such other committees and assign to them ^{Appointment of other committees} such duties as he deems advisable.

11. The Minister may, ^{Certain powers of Minister}

- (a) appoint consultants and professional and technical personnel including legally qualified medical practitioners;
- (b) conduct seminars and courses of training and take other measures for improving the qualifications of persons directly concerned with occupational health

or being employed or intending to become employed in an occupational health service;

- (c) provide such facilities and services in the field of occupational rehabilitation as he deems advisable.

Power to
require
medical
supervision

12.—(1) Where it appears to the Minister upon the advice of the chief occupational medical officer,

- (a) that in any place of employment or in any class of place of employment or in any occupation,

(i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work,

(ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process, or

(iii) a serious environmental hazard has been created of such a degree that an adverse effect upon the health of the persons exposed to such hazard could have resulted; or

- (b) that there may be risk of injury to the health of persons employed in a place of employment,

(i) from any substance or material brought to the place of employment to be used or handled therein, or

(ii) from any change in the conditions of work or other conditions in the place of employment,

he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require such reasonable arrangements to be made for the medical supervision of the persons, or any class of the persons, employed at that place of employment or class of place of employment or the persons engaged in such occupation, as the case may be, as he considers advisable.

Interpre-
tation

(2) In this section, “medical supervision” includes both complete and partial medical examinations and the making of such examinations at stated intervals.

13.—(1) Where the Minister is of the opinion that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour at a place of employment or a working place is of such a nature as to cause risk of bodily injury or ill health to the persons employed thereat or any class of those persons, he may by order require the person in charge of the operation of the place of employment or working place, as the case may be, to do such things for the protection of those persons as appear to him to be reasonably practicable and to meet the necessity of the case.

Order for protective measures where risk of injury

(2) An order made by the Minister under subsection 1 may,

Order of Minister

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process or description of manual labour;
- (b) prohibit, limit or control the use of any material, process or equipment; or
- (c) impose duties on employees as well as on the persons in charge of the operation of places of employment and working places.

14.—(1) Any person aggrieved by an order of the Minister made under section 13 may appeal against the order to a judge of a county or district court at any time within sixty days after the date of the order.

Appeal of certain orders to judge of county or district court

(2) An appeal under subsection 1 shall be by notice of motion, which shall be served on the Minister and on such other persons as the judge may direct.

Appeal by notice of motion

(3) Upon an appeal, the judge may dispose of the matter in a summary way or direct an issue to be tried in court.

Disposition of judge

15. Any person who was a party to an appeal under section 14 and who is aggrieved by a decision of the court or judge made on the appeal may, within thirty days after the date of the decision, appeal against the decision to the Supreme Court in accordance with the rules of court.

Appeal to Supreme Court

16. The taking of an appeal under section 14 or 15 does not stay the operation of the order in respect of which the appeal is taken.

Appeal does not stay order

Reports to
be furnished
by medical
practitioner,
hospital,
etc.

17.—(1) Every legally qualified medical practitioner or other qualified person attending or consulted respecting a person who became ill or injured,

(a) while employed at a place of employment or a working place; or

(b) while being otherwise engaged in an occupation,

shall furnish without charge to the chief occupational medical officer upon request of the officer such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

Reports

(2) Where an ill or injured person of the kind mentioned in subsection 1 is or has been a patient in a hospital, the person in charge of the administrative affairs of that hospital shall furnish without charge to the chief occupational medical officer upon request such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

Medical
examination
required
in certain
cases

18. Where the Minister is of the opinion that a person employed at a place of employment or working place has become or may become ill as a consequence of being exposed to any substance, process or environmental condition, he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require that person to undergo a medical examination and require the legally qualified medical practitioner conducting the examination to furnish the chief occupational medical officer with such reports respecting the examination as the chief occupational medical officer may require.

Occupational health
committee
in certain
places of
employment

19.—(1) In every place of employment at which ten or more persons are employed, the person in charge of the operation of the place of employment shall cause a committee to be established to be known as an occupational health committee.

Members of
committee

(2) The committee shall consist of not less than two or more than twelve persons of whom at least half shall be persons representing employees other than employees connected with the management of the place of employment, and either elected by the employees they represent or appointed in accordance with the constitution of the labour union of which the employees are members.

(3) The committee shall have a continuing concern with respect to the health and safety of the persons employed in the place of employment. Duty of committee

(4) The person in charge of the operation of the place of employment shall cause the names of the committee to be posted in a conspicuous place. Posting

(5) The duties of the committee include, Duties of committee

- (a) the receipt, consideration and disposition of complaints respecting the health and safety of the employees;
- (b) participation in the identification and control of health and safety hazards within the place of employment;
- (c) co-operation with the occupational health service if such a service has been established within the place of employment;
- (d) the establishment and promotion of health and safety programs for the education and information of the employees; and
- (e) the maintenance of records in connection with the receipt and disposition of complaints and the attendance to other matters relating to the duties of the committee.

20.—(1) The Minister may designate a place of employment or a class of a place of employment as requiring an occupational health service, having regard to the type of industry being carried on therein, the number of persons employed thereat and the degree of hazard thereof. Where occupational health service required

(2) Where a place of employment has been designated or is a member of a class of a place of employment designated under subsection 1, the person in charge of the operation of the place of employment shall cause an occupational health service to be established and maintained for the place of employment in accordance with this section. Occupational health service to be established

(3) The Minister may specify the services that are to be provided by the occupational health service for any place of employment or for a place of employment that is a member of a class of a place of employment designated under subsection 1. Services to be provided

Approval
of Minister

(4) The establishment and continued operation of an occupational health service shall be subject to the approval of the Minister.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards to be established and maintained by the persons in charge of places of employment or working places for the protection of the health and safety of the persons employed thereat;
- (b) classifying places of employment;
- (c) defining certain processes, substances and working places as being hazardous and prescribing measures to be taken for the protection of the health and safety of persons exposed thereto;
- (d) prescribing the measures to be taken by the person in charge of the operation of every place of employment that is a member of a class of place of employment specified in the regulations for the purpose of this clause for the protection of the health and safety of the persons employed thereat;
- (e) specifying those diseases and conditions contracted or received by a worker or concerning which the chief occupational medical officer is required to be notified and prescribing the manner of notification and the records to be maintained in connection with any specified disease or condition;
- (f) requiring plans of any new plant or extension of an existing plant, including the details of the processes and materials to be used, to be furnished to the department in connection with such classes of places of employment as may be specified in the regulations for the purpose of this clause;
- (g) prescribing conditions of employment, and requiring medical examinations at regular intervals, for those classes of workers specified in the regulations for the purpose of this clause who by reason of age, sex or pregnancy are or may be specially subject to risk of injury or ill health caused by the hazards of the working environment.

22. This Act applies to,Application
to Crown

- (a) the Crown in right of Ontario and every Ministry, board, commission and other agency of the Crown and any Crown Corporation; and
- (b) the Crown in right of Canada in so far as the Crown in right of Canada may submit to the operation of this Act.

23.—(1) A person who contravenes any of the provisions of this Act or the regulations or who fails to comply with an order made by the Minister under this Act is guilty of an offence and liable on summary conviction to the fines provided by this section. Offences

(2) Where an offence is committed by an individual, the individual is liable, Penalties

- (a) for a first offence, to a fine of not less than \$10 or more than \$100 and, in the case of a continuing offence to a further fine not exceeding \$25 for each day during which the offence continues;
- (b) for a second or subsequent offence, to a fine of not less than \$100 or more than \$500 and, in the case of a continuing offence to a further fine not exceeding \$50 for each day during which the offence continues.

(3) Where an offence is committed by a corporation, the corporation is liable, Idem

- (a) for a first offence, to a fine of not less than \$100 or more than \$1,000 and, in the case of a continuing offence to a further fine not exceeding \$250 for each day during which the offence continues;
- (b) for a second or subsequent offence, to a fine of not less than \$1,000 or more than \$5,000 and, in the case of a continuing offence to a further fine not exceeding \$500 for each day during which the offence continues.

(4) Where default is made in payment of any fine, costs or sum ordered to be paid no imprisonment in default of the payment shall be ordered. No imprisonment

(5) The convicting provincial judge or justice of the peace shall upon request of the Minister supply the Minister with Copy of conviction to Minister

two certified copies of any conviction made by him under or pursuant to this Act.

Judgment

(6) The Minister or his solicitor or agent may, upon payment of the prescribed fee, file a certified copy of a conviction under this Act in the office of the local clerk of the county or district court, and when so filed the copy of the conviction shall, for the purpose of recovering the fine, costs or sum ordered to be paid, be entered as a judgment of the county or district court and may be enforced as a judgment of that court.

Commence-
ment

. **24.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

25. This Act may be cited as *The Occupational Health Act, 1975*.

An Act for the Promotion
and Protection of the Health
and Safety of Persons engaged
in Occupations

1st Reading

April 22nd, 1975

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

CA20N

X3

-B56

BILL 62

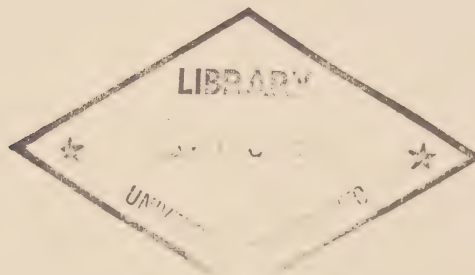
Government
Publications
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Liquor Control Act

MR. SAMIS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to enable independent, owner operated grocery stores to sell beer and apple cider.

BILL 62

1975

An Act to amend The Liquor Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 8 of *The Liquor Control Act*, being ^{s. 8 (1),} chapter 249 of the Revised Statutes of Ontario, 1970, is ^{amended} amended by adding thereto the following clause:

(ka) to appoint independent, owner operated grocery stores as vendors of beer and apple cider and to regulate or restrict the keeping for sale, sale and delivery of such beer or apple cider.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Liquor Control Amendment* ^{Short title}
Act, 1975.

An Act to amend
The Liquor Control Act

1st Reading

April 24th, 1975

2nd Reading

3rd Reading

Mr. SAMIS

(Private Member's Bill)

CA20N

XB

-B56

BILL 63

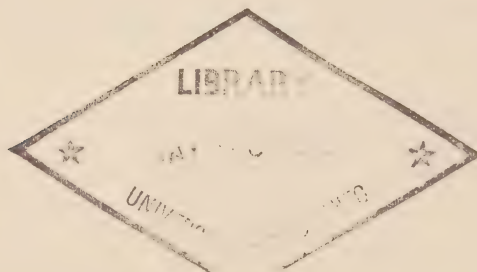
Government
Publications
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Beds of Navigable Waters Act

MR. HAGGERTY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to provide a uniform interpretation of deeds of property bounded by navigable water so that the high water mark shall be deemed to be the boundary of such property.

An Act to amend The Beds of Navigable Waters Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) *The Beds of Navigable Waters Act*, being chapter 41 of the Revised Statutes of Ontario, 1970, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section:

1. In this Act,

Interpre-
tation

(a) “bed” used in relation to a navigable body of water shall include all land and land under water lying below the high water mark; and

(b) “high water mark” shall mean the level at which the water in a navigable body of water has been held for a period sufficient to leave a watermark along the bank of such navigable body of water.

- (2) Section 1*a* of the said Act, as renumbered by subsection 1, is amended by adding thereto the following subsections:

s. 1*a*,
amended

(2) Where in any patent, conveyance or deed from the Crown made either heretofore or hereafter, the boundary of any land is described as a navigable body of water or the edge, bank, beach, shore, shoreline or high water mark thereof or in any other manner with relation thereto, such boundary shall be deemed always to have been the high water mark of such navigable body of water.

Where
boundary
body of
navigable
water

(3) The Minister of Natural Resources may, upon the recommendation of the Surveyor-General for Ontario, fix the high water mark of any navigable body of water or any part thereof, and his decision shall be final and conclusive.

Minister
may fix
high water
mark

s. 2,
amended

2. Section 2 of the said Act is amended by striking out "Section 1" in the first line and inserting in lieu thereof "Section 1a".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Beds of Navigable Waters Amendment Act, 1975*.

BILL 63

An Act to amend
The Beds of Navigable Waters Act

1st Reading

April 28th, 1975

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

C420N

X3

-B56

BILL 64

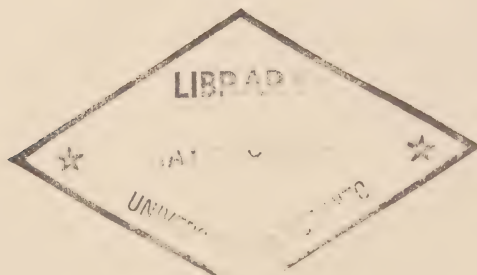
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Training Schools Act

THE HON. R. T. POTTER
Minister of Correctional Services



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 64

1975

An Act to amend The Training Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Training Schools Act*, being chapter 467 of the Revised Statutes of Ontario, 1970, is repealed. s. 8.
repealed
2. Subsection 1 of section 13 of the said Act is repealed. s. 13 (1),
repealed
3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
4. This Act may be cited as *The Training Schools Amendment Act, 1975*. Short title

BILL 64

An Act to amend
The Training Schools Act

1st Reading

April 29th, 1975

2nd Reading

May 5th, 1975

3rd Reading

May 5th, 1975

THE HON. R. T. POTTER
Minister of Correctional Services

CA20N

XB

-B56

BILL 65

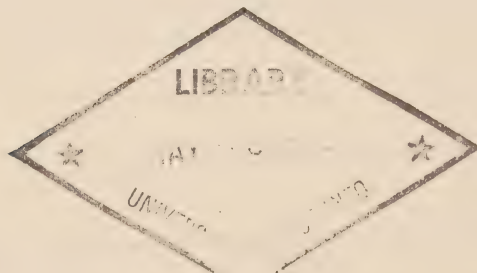
Government
Publications
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Public Utilities Act

MR. NEWMAN (Windsor-Walkerville)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for a review before a public utility can shut off water, hydro, gas or oil.

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 27 of *The Public Utilities Act*, ^{s. 27 (3), amended} being chapter 390 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof "Subject to section 27b".
2. The said Act is amended by adding thereto the following ^{ss. 27a, 27b, enacted} sections:

27a.—(1) In this section, "Board" means the Public Utilities Review Board. ^{Interpretation}

(2) A board to be known as the "Public Utilities Review Board" is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council. ^{Board}

(3) The Lieutenant Governor in Council may designate ^{Chairman} one of the members to be chairman of the Board.

(4) One member of the Board constitutes a quorum. ^{Quorum}

(5) The Lieutenant Governor in Council may fill any ^{Vacancies} vacancy among the members of the Board.

(6) The Board shall hold such hearings and perform such ^{Hearings} other duties as are assigned to it by or under this Act.

27b.—(1) No corporation shall shut off a supply of a public ^{Hearing} utility under section 27 unless a hearing has been held to determine that the supply should be shut off.

(2) Where a corporation determines to shut off a supply ^{Notice} under section 27, it shall cause notice of the proposed shut off to be given to all parties that may be affected, indi-

cating that a hearing will be held by the Board within thirty days from the date of the notice.

Application
of 1971, c. 47

(3) Part I of *The Statutory Powers Procedure Act, 1971* applies to a hearing under subsection 1.

Board may
combine
hearings

(4) The Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

Decision
final

(5) A decision of the Board is final, except as to questions of law.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Public Utilities Amendment Act, 1975*.

An Act to amend
The Public Utilities Act

1st Reading

April 29th, 1975

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

(Private Member's Bill)

CA20N

X8

-B56

BILL 66

Government

Publication

Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
An Act to amend
The Health Insurance Act, 1972

MR. ROY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prevent physicians and practitioners who bill patients directly from charging persons over sixty-five years of age or persons receiving public assistance amounts greater than that paid for insured services under the Act.

BILL 66

1975

**An Act to amend
The Health Insurance Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Insurance Act, 1972*, being chapter 91, is amended ^{s. 20a, enacted} by adding thereto the following section:

20a. Where a physician or a practitioner submits his ^{Billing the patient} accounts directly to his patient, he may charge an amount greater than that which is payable for insured services under this Act, except where the patient is over sixty-five years of age or is in receipt of public assistance.

2. Subsection 1 of section 51 of the said Act, as amended by ^{s. 51 (1), amended} the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following clause:

(sa) prescribing the persons who shall be deemed to be receiving public assistance for the purposes of section 20a.

3. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Health Insurance Amendment Act, 1975*. ^{Short title}

An Act to amend
The Health Insurance Act, 1972

1st Reading

May 1st, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N

XB

-B56

Government
Publications

BILL 67

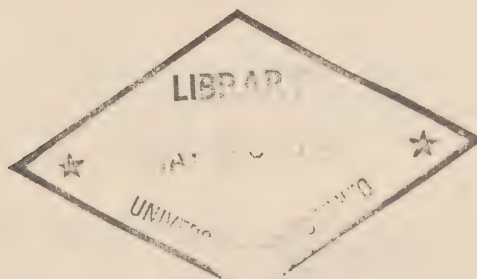
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Condominium Act

MR. BRAITHWAITE



- (b) administer the trust fund referred to in subsection 1 of section 24c;
- (c) keep a register available to the public containing the particulars of all transactions registered under this section; and
- (d) certify titles to all lands registered under this section.

s. 6,
amended

- 3.** Section 6 of the said Act is amended by adding thereto the following subsection:

Ownership
of units

- (5) No person or group of persons shall own more than one unit in the property at any time.

s. 7,
amended

- 4.** Section 7 of the said Act is amended by adding thereto the following subsection:

Facilities

- (6a) Every facility located within the boundaries of the plan of survey of a property shall be included in the common elements and no such facility shall be withdrawn therefrom without the consent of the owners who own 80 per cent of the common elements.

s. 9 (7a),
amended

- 5.—**(1) Subsection 7a of section 9 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 5, is amended by striking out “for the remainder of the term of the director removed” in the fifth and sixth lines and inserting in lieu thereof “for a term specified in the declaration or by-laws”.

s. 9,
amended

- (2) The said section 9, as amended by the Statutes of Ontario, 1974, chapter 133, section 5, is further amended by adding thereto the following subsections:

Removal
of member
of board

- (20) A member of the corporation may apply to the Ontario Housing Corporation or the Central Mortgage and Housing Corporation, where either or both of them are the mortgagees or the mortgage insurers, to remove a member of the board where the application is supported by a two-thirds majority vote of the members of the corporation.

Records
to be
filed
with
Registrar
of
Condo-
miniums

- (21) The records of the corporation, together with an audited annual financial statement and the quarterly financial statements, shall be filed with the Registrar of Condominiums.

s. 12 (1),
amended

- 6.—**(1) Subsection 1 of section 12 of the said Act is amended by inserting after “owner” in the first line “lessee or occupant”.

SECTION 3. Self-explanatory.

SECTION 4. Self-explanatory.

SECTION 5.—Subsection 1. This amendment will ensure continuity of directors and in some instances where prior members are not to be restricted, will ensure the continuance of a member with past experience.

Subsection 2. The amendment would allow a majority of members of the corporation to remove a member of the board. The amendment also requires certain records to be filed with the Registrar of Condominiums.

SECTION 6.—Subsections 1 and 2. The amendment imposes an obligation upon all tenants and occupants, as well as owners, to abide by the provisions of the declaration and by-laws.

Subsection 3. The onus is on the owner to ensure that the lessee or occupant of his unit complies with the declaration and by-laws and does not exceed the privileges accorded to the owner.

SECTION 7. The purpose of the amendment is to ensure that every lessee is informed of the by-laws of the condominium.

SECTION 8. The purpose of the amendment is to relieve the problem of tracing absentee landlords.

SECTION 9. Self-explanatory.

SECTION 10. The amendment would give the corporation the power to renegotiate, as well as terminate, a management agreement.

SECTION 11. The section refers to the provision whereby a mortgagee can exercise the right of the owner to vote.

s. 12 (2),
amended

- (2) Subsection 2 of the said section 12 is amended by inserting after "owner" in the first line "lessee or occupant" and by inserting after "owners" in the second line "lessees or occupants".

s. 12,
amended

- (3) The said section 12 is amended by adding thereto the following subsection:

Idem

(2a) Each owner shall ensure that the lessee or occupant of his unit complies with the declaration and the by-laws and does not make demands on the common elements greater than the privileges accorded the owner.

s. 12a,
enacted

7. The said Act is amended by adding thereto the following section:

Lease to
contain
copy of
by-laws

12a. Where a corporation allows units to be leased, the by-laws of the corporation shall require that every lease agreement contain a copy of the by-laws.

s. 13,
amended

8. Section 13 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 133, section 10, is further amended by adding thereto the following subsection:

Common
expenses
taken
out of
rent

(4d) Where a unit is leased by an owner or the corporation, the corporation may apply any default in moneys owing towards the common expenses against any moneys owing for rent by the lessee.

s. 14,
amended

9. Section 14 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 133, section 11, is further amended by adding thereto the following subsection:

Meaning
of sub-
stantial

(5) The board shall determine whether the addition, alteration or improvement to or renovation of the common elements, or change in the assets of the corporation is substantial within the meaning of this section.

s. 15a,
amended

10. Section 15a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 12, is amended by inserting after "terminate" in the second line "or renegotiate".

s. 22,
amended

11. Section 22 of the said Act is amended by adding thereto the following subsection:

Idem

(2) A right to vote, as set out in subsection 1, shall only be exercisable where the mortgagor has been in default of payment for at least ninety days and where the mortgagee has filed an affidavit to this effect with the corporation.

s. 23 (1),
re-enacted

- 12.**—(1) Subsection 1 of section 23 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 133, section 13, is repealed and the following substituted therefor:

Offence

(1) Any person who does not perform any duty imposed by this Act or the regulations, or by the declaration or the by-laws is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 for each offence.

s. 23 (2),
amended

- (2) Subsection 2 of the said section 23 is amended by adding at the commencement thereof “Notwithstanding that the court may impose a fine under subsection 1”.

s. 24a (1) (a),
amended

- 13.**—(1) Clause *a* of subsection 1 of section 24a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 14, is amended by striking out “without delay” in the fourth line and inserting in lieu thereof “within six months”.

s. 24a (1) (c),
amended

- (2) Clause *c* of subsection 1 of the said section 24a is amended by striking out “without delay” in the third line and inserting in lieu thereof “within six months”.

s. 24d (3),
amended

- 14.** Subsection 3 of section 24d of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 16, is amended by striking out “or units” in the second line.

s. 24d (6),
re-enacted

- 15.** Subsection 6 of section 24d of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 16, is repealed and the following substituted therefor:

“lease”
defined

(6) In this section, “lease” includes a licence to use or occupy and any agreement in the nature of a lease of any unit in all buildings originally constructed as condominiums.

Commence-
ment

- 16.** This Act comes into force on the day it receives Royal Assent.

Short title

- 17.** This Act may be cited as *The Condominium Amendment Act, 1975*.

SECTION 12. The amendments would put the proceedings into a provincial court rather than a county or district court. The person charged would then be summoned to appear based on a sworn information.

SECTION 13.—Subsections 1 and 2. The time limit set out in the section is extended to six months.

SECTION 14. Since an owner can only own one unit, the reference to “units” is deleted.

SECTION 15. A developer is subject to the leasing provisions of the Act in all circumstances where a condominium is built as such whether it be new or old.

BILL 67

An Act to amend
The Condominium Act

1st Reading
May 5th, 1975

2nd Reading

3rd Reading

MR. BRAITHWAITE

(Private Member's Bill)

CA20N

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BILL 68

Government
Publications

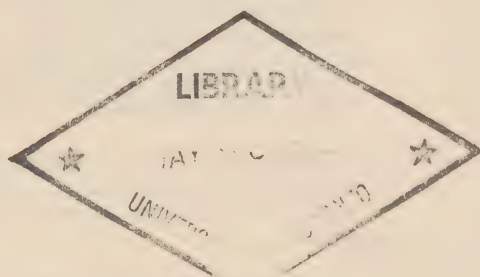
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly.

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTES

SECTION 1. The amendment increases the maximum penalty the Metropolitan Corporation may charge an area municipality for late payment of water charges from one-half of 1 per cent per month to 12 per cent per annum.

SECTION 2. The amendment enlarges the time within which the Metropolitan Council may object to the proposed stopping up of a highway by an area municipality from twenty-one days to sixty days.

SECTION 3. The effect of the amendment is to permit the operation of horse-drawn sightseeing vehicles and school buses operated under a contract with a board of education, school board or a private school; subject to these and certain other exceptions, local passenger transportation service within the Metropolitan Area is under the exclusive authority of the Toronto Transit Commission.

SECTION 4. By the new section 207*a*, the Exhibition Stadium Corporation is established for the operation, management and maintenance of Exhibition Stadium in accordance with the policies of the Metropolitan Council.

The new section 207*b* empowers the Metropolitan Corporation to build and operate stadia.

BILL 68

1975

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 43 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out “not exceeding one-half of 1 per cent for each month or fraction thereof” in the fifth and sixth lines and inserting in lieu thereof “of 12 per cent per annum, or such lower rate as the Metropolitan Council determines” s. 43 (2),
amended
2. Subsection 2 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 6, is amended by striking out “twenty-one” in the third line and inserting in lieu thereof “sixty” s. 96 (2),
amended
3. Subsection 2 of section 109 of the said Act is amended by striking out “buses owned and operated by” in the fifth line and inserting in lieu thereof “horse-drawn vehicles used for the purpose of providing sightseeing tours, buses owned and operated by or operated pursuant to a contract with” s. 109 (2),
amended
4. The said Act is amended by adding thereto the following sections: ss. 207a, 207b,
enacted

207a.—(1) In this section,

Interpre-
tation

- (a) “Board” means the Board of Management of the Corporation;
- (b) “Corporation” means the Exhibition Stadium Corporation;
- (c) “Exhibition Stadium” means the land and buildings in Exhibition Park known as the Canadian National Exhibition Stadium in The Municipality

of Metropolitan Toronto used for athletic contests, sporting events and public entertainments.

R.S.O. 1970,
c. 89, not
to apply

(2) *The Corporations Act* does not apply to the Corporation.

Corporation
established

(3) There is hereby established a corporation without share capital under the name of the "Exhibition Stadium Corporation" having as its purpose and objects, the operation, management and maintenance of the Exhibition Stadium as a stadium for the holding of athletic contests, sporting events, public entertainments and meetings.

Board of
Management

(4) There shall be a Board of Management of the Corporation consisting of seven members and composed of,

- (a) three members appointed by the Canadian National Exhibition Association from among its membership;
- (b) two members appointed by the Lieutenant Governor in Council;
- (c) the Metropolitan Chairman or his delegate who shall be a member of the Metropolitan Council; and
- (d) one member appointed by the Metropolitan Council, who shall be a member of the Metropolitan Council.

Term of
office

(5) The members of the Board to be appointed under clauses *a* and *b* of subsection 4 shall be appointed for a term of office not exceeding three years, and the member of the Board to be appointed under clause *d* of subsection 4 shall be appointed for a term of office not exceeding his term of office in the Metropolitan Council, provided that such members shall be eligible for reappointment and provided that a member of the Board may at any time be removed from office before the expiration of his term by the person or body responsible under subsection 4 for his appointment, and such vacancy, or a vacancy resulting from death or resignation, may be filled by such person or body for the remainder of the unexpired term.

Chairman,
vice-
chairman
and quorum

(6) The Board shall elect a chairman from among its members appointed by the Canadian National Exhibition Association and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

Powers
of
Corporation

(7) The Corporation shall have,

- (a) a head office in The Municipality of Metropolitan Toronto;

(b) a corporate seal upon which its corporate name shall appear;

(c) capacity to sue and be sued in its own name;

(d) capacity to enter into contracts, including contracts of employment, in its own name; and

(e) all powers incidental or conducive to the attainment of the purpose and objects of the Corporation set out in subsection 3.

(8) The Board may make by-laws regulating its proceedings ^{By-laws} and generally for the conduct and management of the affairs of the Corporation.

(9) The Board shall manage or supervise the management ^{Management} of the business and affairs of the Corporation.

(10) The Metropolitan Council may by by-law establish ^{By-laws} general policies to be followed by the Corporation in the operation, management and maintenance of Exhibition Stadium.

(11) Except for the purposes of *The Ontario Municipal Employees Retirement System Act*, the Board shall be deemed ^{Board deemed not local board} not to be a local board of the Metropolitan Corporation. ^{R.S.O. 1970, c. 324}

(12) The accounts and transactions of the Corporation ^{Audit} shall be audited by the auditor for the Metropolitan Corporation.

(13) The Metropolitan Corporation shall be entitled to ^{Surplus or deficit} receive any surplus resulting from the operations of the Corporation and shall be responsible for any deficit incurred by the Corporation.

(14) The Corporation may borrow money for its purposes ^{Borrowing powers} with the prior approval of the Metropolitan Council.

(15) The Metropolitan Corporation may enter into one or ^{Agreements} more agreements with the Corporation providing for the management and control of Exhibition Stadium by the Corporation on such terms and conditions as the Metropolitan Council may consider proper.

(16) The occupation, management and control of Exhi- ^{Taxation} bition Stadium by the Corporation under an agreement under subsection 15 shall be deemed, for the purposes of paragraph 9 of section 3 of *The Assessment Act*, to be ^{R.S.O. 1970, c. 32}

occupation, management and control by the Metropolitan Corporation of lands used for the purposes set out in subsection 3 of section 207 of this Act.

Stadia

207*b*. The Metropolitan Corporation may acquire, erect, alter, maintain, operate and manage stadia, and may charge fees in connection therewith.

s. 214 (15),
amended

5. Subsection 15 of section 214 of the said Act is amended by striking out “one-half of 1 per cent for each month or fraction thereof that the payment is overdue” in the third and fourth lines and inserting in lieu thereof “12 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made”.

s. 223 (18),
amended

- 6.—(1) Subsection 18 of section 223 of the said Act is amended by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America, or Great Britain.

s. 223 (19),
amended

- (2) Subsection 19 of the said section 223 is amended by inserting after “Britain” in the third line “or in any currency other than that of Canada”.

s. 223 (20),
amended

- (3) Subsection 20 of the said section 223 is amended by striking out “3½” in the third line and inserting in lieu thereof “5”.

s. 223 (30),
amended

- (4) Subsection 30 of the said section 223 is amended by adding thereto the following clauses:

(*e*) in securities issued by the United States of America;

(*f*) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 223 (40),
re-enacted

- (5) Subsection 40 of the said section 223 is repealed and the following substituted therefor:

Surplus

(40) When, after the debentures for which any sinking fund was provided have been paid off or fully provided for, there is a surplus in a sinking fund account, the sinking fund committee shall,

(a) use the surplus to increase the amount at the credit of another sinking fund account; or

SECTION 5. The amendment increases the maximum penalty the Metropolitan Corporation may charge an area municipality for late payment of the metropolitan levy from one-half of 1 per cent per month to 12 per cent per annum.

SECTION 6.—Subsections 1, 2, 3 and 4. The effect of these amendments is to permit debentures issued by the Metropolitan Corporation to be made payable in a currency other than that of Canada, the United States or Great Britain; in addition, the maximum interest rate to be applied in connection with sinking fund debentures is increased from $3\frac{1}{2}$ to 5 per cent per annum.

Subsection 5. The re-enactment clarifies the manner of determining when there is a surplus in a sinking fund account and the types of expenditure to which such surplus may be put.

SECTION 7. Debenture Registry Books may be maintained outside Canada in respect of debentures payable in a foreign currency.

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:

- (i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,
- (iv) to defray the cost of other capital expenditures in lieu of the issue of debentures therefor,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan Toronto School Board for public schools, The Metropolitan Toronto School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

7. Section 231 of the said Act is amended by adding thereto the following subsection: s. 231,
amended

(4) Where debentures are payable in a currency other than that of Canada, the Metropolitan Council may provide that the Debenture Registry Book of the Metropolitan Corporation in respect of such debentures be maintained outside Canada by a person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Metropolitan Council considers appropriate. When
Debenture
Registry
Book may
be
maintained
outside
Canada

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975*. Short title

BILL 68

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 5th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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BILL 68

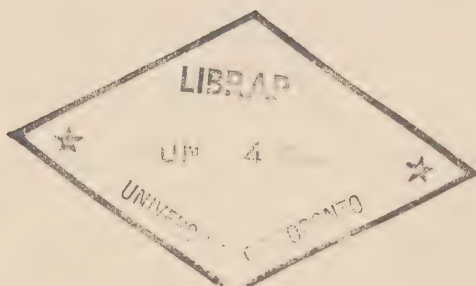
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 68

1975

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 43 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "not exceeding one-half of 1 per cent for each month or fraction thereof" in the fifth and sixth lines and inserting in lieu thereof "of 12 per cent per annum, or such lower rate as the Metropolitan Council determines" s. 43 (2),
amended
2. Subsection 2 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 6, is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "sixty" s. 96 (2),
amended
3. Subsection 2 of section 109 of the said Act is amended by striking out "buses owned and operated by" in the fifth line and inserting in lieu thereof "horse-drawn vehicles used for the purpose of providing sightseeing tours, buses owned and operated by or operated pursuant to a contract with" s. 109 (2),
amended
4. The said Act is amended by adding thereto the following sections ss. 207a, 207b,
enacted:
 - 207a.—(1) In this section,
 - (a) "Board" means the Board of Management of the Corporation;
 - (b) "Corporation" means the Exhibition Stadium Corporation;
 - (c) "Exhibition Stadium" means the land and buildings in Exhibition Park known as the Canadian National Exhibition Stadium in The Municipality

Interpre-
tation

of Metropolitan Toronto used for athletic contests, sporting events and public entertainments.

R.S.O. 1970,
c. 89, not
to apply

(2) *The Corporations Act* does not apply to the Corporation.

Corporation
established

(3) There is hereby established a corporation without share capital under the name of the "Exhibition Stadium Corporation" having as its purpose and objects, the operation, management and maintenance of the Exhibition Stadium as a stadium for the holding of athletic contests, sporting events, public entertainments and meetings.

Board of
Management

(4) There shall be a Board of Management of the Corporation consisting of seven members and composed of,

- (a) three members appointed by the Canadian National Exhibition Association from among its membership;
- (b) two members appointed by the Lieutenant Governor in Council;
- (c) the Metropolitan Chairman or his delegate who shall be a member of the Metropolitan Council; and
- (d) one member appointed by the Metropolitan Council, who shall be a member of the Metropolitan Council.

Term of
office

(5) The members of the Board to be appointed under clauses *a* and *b* of subsection 4 shall be appointed for a term of office not exceeding three years, and the member of the Board to be appointed under clause *d* of subsection 4 shall be appointed for a term of office not exceeding his term of office in the Metropolitan Council, provided that such members shall be eligible for reappointment and provided that a member of the Board may at any time be removed from office before the expiration of his term by the person or body responsible under subsection 4 for his appointment, and such vacancy, or a vacancy resulting from death or resignation, may be filled by such person or body for the remainder of the unexpired term.

Chairman,
vice-
chairman
and quorum

(6) The Board shall elect a chairman from among its members appointed by the Canadian National Exhibition Association and may elect a vice-chairman, and a majority of the members of the Board constitutes a quorum for the transaction of business at meetings of the Board.

Powers
of
Corporation

(7) The Corporation shall have,

- (a) a head office in The Municipality of Metropolitan Toronto;

- (b) a corporate seal upon which its corporate name shall appear;
- (c) capacity to sue and be sued in its own name;
- (d) capacity to enter into contracts, including contracts of employment, in its own name; and
- (e) all powers incidental or conducive to the attainment of the purpose and objects of the Corporation set out in subsection 3.

(8) The Board may make by-laws regulating its proceedings ^{By-laws} and generally for the conduct and management of the affairs of the Corporation.

(9) The Board shall manage or supervise the management ^{Management} of the business and affairs of the Corporation.

(10) The Metropolitan Council may by by-law establish ^{By-laws} general policies to be followed by the Corporation in the operation, management and maintenance of Exhibition Stadium.

(11) Except for the purposes of *The Ontario Municipal Employees Retirement System Act*, the Board shall be deemed ^{Board deemed not local board} not to be a local board of the Metropolitan Corporation. ^{R.S.O. 1970, c. 324}

(12) The accounts and transactions of the Corporation ^{Audit} shall be audited by the auditor for the Metropolitan Corporation.

(13) The Metropolitan Corporation shall be entitled to ^{Surplus or deficit} receive any surplus resulting from the operations of the Corporation and shall be responsible for any deficit incurred by the Corporation.

(14) The Corporation may borrow money for its purposes ^{Borrowing powers} with the prior approval of the Metropolitan Council.

(15) The Metropolitan Corporation may enter into one or more agreements with the Corporation providing for the management and control of Exhibition Stadium by the Corporation on such terms and conditions as the Metropolitan Council may consider proper. ^{Agreements}

(16) The occupation, management and control of Exhibition Stadium by the Corporation under an agreement under subsection 15 shall be deemed, for the purposes of paragraph 9 of section 3 of *The Assessment Act*, to be ^{Taxation} ^{R.S.O. 1970, c. 32}

occupation, management and control by the Metropolitan Corporation of lands used for the purposes set out in subsection 3 of section 207 of this Act.

Stadia

207*b*. The Metropolitan Corporation may acquire, erect, alter, maintain, operate and manage stadia, and may charge fees in connection therewith.

s. 214 (15),
amended

5. Subsection 15 of section 214 of the said Act is amended by striking out “one-half of 1 per cent for each month or fraction thereof that the payment is overdue” in the third and fourth lines and inserting in lieu thereof “12 per cent per annum or such lower rate as the Metropolitan Council determines, from the date payment is due until it is made”.

s. 223 (18),
amended

- 6.—(1) Subsection 18 of section 223 of the said Act is amended by adding “or” at the end of clause *c* and by adding thereto the following clause:

(*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America, or Great Britain.

s. 223 (19),
amended

- (2) Subsection 19 of the said section 223 is amended by inserting after “Britain” in the third line “or in any currency other than that of Canada”.

s. 223 (20),
amended

- (3) Subsection 20 of the said section 223 is amended by striking out “3½” in the third line and inserting in lieu thereof “5”.

s. 223 (30),
amended

- (4) Subsection 30 of the said section 223 is amended by adding thereto the following clauses:

(*e*) in securities issued by the United States of America;

(*f*) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 223 (40),
re-enacted

- (5) Subsection 40 of the said section 223 is repealed and the following substituted therefor:

Surplus

(40) When, after the debentures for which any sinking fund was provided have been paid off or fully provided for, there is a surplus in a sinking fund account, the sinking fund committee shall,

(*a*) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes:

- (i) to retire unmatured debentures of the Metropolitan Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Metropolitan Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,
- (iv) to defray the cost of other capital expenditures in lieu of the issue of debentures therefor,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Metropolitan Council, the council of an area municipality, The Metropolitan Toronto School Board for public schools, The Metropolitan Toronto School Board for secondary schools, a board of education for public schools, a board of education for secondary schools, the Toronto Transit Commission, a hydro-electric system and the metropolitan waterworks in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

7. Section 231 of the said Act is amended by adding thereto the following subsection: s. 231,
amended

(4) Where debentures are payable in a currency other than that of Canada, the Metropolitan Council may provide that the Debenture Registry Book of the Metropolitan Corporation in respect of such debentures be maintained outside Canada by a person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Metropolitan Council considers appropriate. When
Debenture
Registry
Book may
be
maintained
outside
Canada

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975*. Short title

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

May 5th, 1975

2nd Reading

May 13th, 1975

3rd Reading

May 13th, 1975

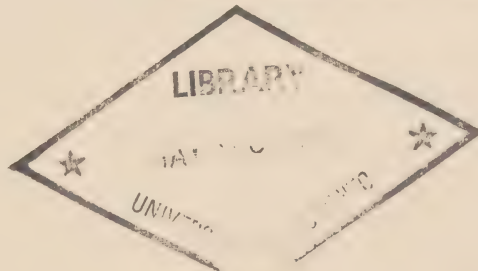
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Municipal Elections Act, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

Subsection 1 of the re-enacted section 17 empowers the Minister to prescribe forms in both the English and French languages; subsection 2 authorizes the Minister, in the circumstances indicated, to declare the seats of all members of a council or local board to be vacant and to require a new election; subsection 3 provides for the interim administration of a municipality or local board in the event that for any reason the seats of a majority of its members are declared vacant.

**An Act to amend
The Municipal Elections Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 117 of *The Municipal Elections Act, 1972*, being chapter 95, as re-enacted by the Statutes of Ontario, 1974, chapter 32, section 41, is repealed and the following substituted therefor: s. 117,
re-enacted

117.—(1) The Minister may by order prescribe the forms required for the purposes of this Act, which forms may be in both the English and French languages. Forms

(2) In the event that the council of any municipality or a local board thereof is unable, for a period of two months, to hold a meeting of the council or of the local board because of failure to obtain a quorum, the Minister may by order declare the seats of the members of the council or local board to be vacant and a new election shall be held in accordance with the provisions of this Act. Minister
may
declare
seats
vacant

(3) In the event that the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with this Act and the members so elected have taken office. Interim
admini-
stration

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Municipal Elections Amendment Act, 1975*. Short title

An Act to amend
The Municipal Elections Act, 1972

1st Reading

May 5th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

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-B56

Government
Publications

BILL 69

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Municipal Elections Act, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 69

1975

An Act to amend The Municipal Elections Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 117 of *The Municipal Elections Act, 1972*, being ^{s. 117, re-enacted} chapter 95, as re-enacted by the Statutes of Ontario, 1974, chapter 32, section 41, is repealed and the following substituted therefor:

117.—(1) The Minister may by order prescribe the forms ^{Forms} required for the purposes of this Act, which forms may be in both the English and French languages.

(2) In the event that the council of any municipality or a local board thereof is unable, for a period of two months, to hold a meeting of the council or of the local board ^{Minister may declare seats vacant} because of failure to obtain a quorum, the Minister may by order declare the seats of the members of the council or local board to be vacant and a new election shall be held in accordance with the provisions of this Act.

(3) In the event that the seats of a majority of the members of a council or of a local board are for any reason declared vacant, the Minister may by order provide for the fulfilling of the duties and obligations of the council or local board until such time as a new election is held in accordance with this Act and the members so elected have taken office. ^{Interim administration}

2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Municipal Elections Amendment Act, 1975*. ^{Short title}

An Act to amend
The Municipal Elections Act, 1972

1st Reading

May 5th, 1975

2nd Reading

May 13th, 1975

3rd Reading

May 13th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

XB

-B56

BILL 70

Private Member's Bill

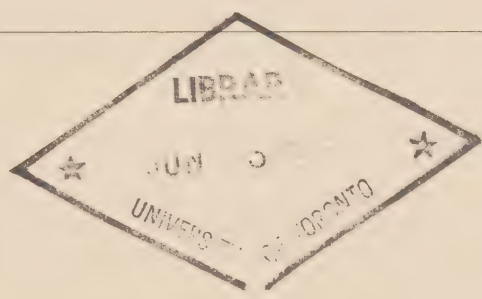
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to amend The Consumer Protection Act

MR. ROY



TORONTO

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EXPLANATORY NOTE

The purpose of the Bill is to require lenders to answer written requests by borrowers about incorrect accounts within thirty days. A ninety day period would then follow during which the lender could not request payment until the amount owing on the account was settled. Should the creditor fail to correct or explain the error, the amount of the bill would be forfeited if less than \$50. The Bill would also allow the borrower to bring a suit for damages where the damages were at least \$100.

An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act*, being chapter 82 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

37a.—(1) Where a borrower requests in writing information concerning his account from a lender who has extended variable credit to him, the lender shall reply to the inquiry within thirty days.

s. 37a,
enacted

(2) Where a request is made to a lender under subsection 1, and the request is with respect to an incorrect billing, the lender shall not request any payment from the borrower until it is determined what the correct amount of the bill should be.

No payment
until amount
settled

(3) Where a lender fails to explain the reason for an incorrect billing or fails to correct a billing that is in error within ninety days of the request referred to in subsection 1, the amount owing to the lender by the borrower shall be forfeited provided that the amount of the bill is \$50 or less.

Amount
forfeited

(4) Where a lender fails to explain the reason for an incorrect billing or fails to correct a billing that is in error within ninety days of the request referred to in subsection 1, and the amount of the bill is greater than \$50, the borrower is entitled to bring suit for damages in a court of competent jurisdiction where the damages are not less than \$100.

Damages

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Consumer Protection Amendment Act, 1975*.

Commence-
ment

Short title

An Act to amend
The Consumer Protection Act

1st Reading

May 6th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

CA20N

XB

-B56

BILL 71

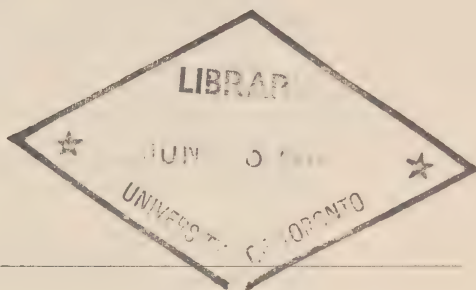
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**Government
Publications**

Ontario. Legislative Assembly

**An Act to provide
Political Rights for Public Servants**



MR. CASSIDY

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill is designed to give public servants the same political rights that all other citizens enjoy in Ontario. It covers civil servants, Crown employees, employees of community colleges, and people working for agencies such as Ontario Hydro, the Workmen's Compensation Board, and the Ontario Northland Transportation Commission, but excludes Deputy Ministers, officers of similar status in Crown agencies, and other senior policy-making officials.

The deleted sections of *The Public Service Act* make it illegal for a public servant to canvass on behalf of a candidate in an election, to solicit funds for a political party or a candidate at any time, or to speak or to write a letter to the editor on "any matter that forms part of the platform of a provincial or federal political party". A public servant may only become a candidate for election after the writs are issued and is effectively barred from being a candidate if a nomination is held before that date. The candidate must take leave of absence without pay for a period of 4 to 5 weeks.

The Bill provides that public servants will be able to write, speak, contribute, solicit funds, work, join, hold office, and vote on behalf of, in, for, or to, a political party or candidate in a federal or provincial election and protects public servants from punitive action by their superiors or from being forced to carry out partisan duties as a condition of their employment.

The deleted section of *The Crown Employees Collective Bargaining Act, 1972* contains the sections which are re-enacted in the Bill and also prohibits an employee organization from receiving money from public employees who are its members for activities carried on by, or on behalf of a political party, from paying out money to, or on behalf of the political party, or from otherwise supporting a political party. The penalty for these activities is loss of bargaining rights. The Bill will give an employee organization the rights enjoyed by other trade unions, prevents it from compelling an employee to engage in political activity, and provides for a wider range of penalties.

BILL 71

1975

An Act to provide Political Rights for Public Servants

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “agency” means any board, agency, or commission of the Crown in right of Ontario;
- (b) “public servant” means a person appointed in the service of the Crown by the Lieutenant Governor in Council, by the Civil Service Commission, or by a Minister, or a person employed in the service of the Crown or any agency of the Crown, but does not include any Deputy Minister or senior employee of the Crown, or an agency, with management or policy responsibilities;
- (c) “tribunal” means the Ontario Public Service Labour Relations Tribunal as defined in section 1 of *The Crown Employees Collective Bargaining Act, 1972*.^{1972, c. 67}

2.—(1) Every public servant shall be entitled to exercise the following political rights,

Political
rights of
public
servants

- (a) the right to vote;
- (b) the right to actively support a political party or a candidate for provincial or federal office;
- (c) the right to contribute to a political party at any time;
- (d) the right to solicit funds for a candidate or for a political party;

- (e) the right to be a member of a political party and to hold office in such party; and
- (f) the right to express views on matters that form part of the platform of a provincial or federal political party.

Conditions

(2) The rights provided in subsection 1 are subject to the condition that,

- (a) the employee does not engage in political activities during working hours;
- (b) the employee does not associate his position in the service of the Crown with any political activity;
- (c) the employee does not speak in public or express views in writing for distribution to the public on any matter with which he is directly engaged in his employment with the Crown;
- (d) the employee respects his oath of office and secrecy, as provided under section 10 of *The Public Service Act*.

R.S.O. 1970,
c. 386

Prohibition

3. No public servant shall be required by his employer to engage in work or activity of a partisan nature for a candidate or a political party either during or outside working hours and, notwithstanding the provisions of any other Act, refusal to perform such activities shall be a justifiable defence against any dismissal, transfer, or other disciplinary action.

Public
servant as
candidate

4. A public servant who proposes to become a candidate in a provincial or federal election shall inform his Minister or the chief officer of his agency, and,

- (a) may apply for leave of absence without pay at any time after he is duly nominated by his party as its candidate;
- (b) shall take leave of absence commencing on the day on which the writ for the election is issued or on the day on which he is nominated by his party, whichever date comes later; and
- (c) shall be granted leave with pay commencing on the day provided by statute for the nomination of candidates and ending on polling day,

and every such application shall be granted.

5. Where a public servant who is a candidate in a provincial or federal election is elected, he shall forthwith resign his position as a public servant. Resignation

6. Where a public servant who has resigned under section 5, Reappointment

- (a) ceases to be an elected political representative within five years of his resignation; and
- (b) applies for reappointment to his former position or to another position in the service of the Crown for which he is qualified, within three months of ceasing to be an elected political representative,

he shall be reappointed to the position upon its next becoming vacant.

7. Where a public servant has been granted leave of absence under section 4 and was not elected, or resigned his position under section 5 and was reappointed under section 6, the period of the leave of absence or resignation shall be computed in determining the length of his service for any purpose, and his service shall be deemed to be continuous for all purposes. Continuous service

8. Every public servant who knowingly fails to comply with the requirements of this Act may be disciplined under the Act or regulation governing his employer. Disciplinary action

9.—(1) In this section, “employee organization” means an organization of employees formed for the purpose of regulating relations between the Crown in right of Ontario and public servants under this Act. Interpretation

(2) No employee organization shall, Prohibition

- (a) require as a condition of membership therein the payment by any of its members who are public servants of any money for activities carried on by or on behalf of any political party or candidate;
- (b) require its members who are public servants otherwise to support or oppose any political party;
- (c) discriminate against any employee because of age, sex, race, national origin, colour or religion.

Tribunal

(3) Where a public servant or the Crown in right of Ontario considers that an employee organization is in violation of section 9, a complaint may be lodged with the tribunal which shall conduct a public hearing to consider the matter and which may,

- (a) dismiss the complaint; or
- (b) withdraw bargaining rights from the employee organization involved; or
- (c) levy a fine; or
- (d) take such other disciplinary action as it considers appropriate.

R.S.O. 1970,
c. 386,
ss. 12-16,
repealed

10. Sections 12 to 16 of *The Public Service Act*, being chapter 386 of the Revised Statutes of Ontario, 1970, are repealed.

1972, c. 67,
s. 1 (1) (h),
repealed

11. Clause *h* of subsection 1 of section 1 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, is repealed.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Public Servants Political Rights Act, 1975*.

BILL 71

An Act to provide
Political Rights for Public Servants

1st Reading

May 8th, 1975

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

CA20N
XB
-B56

BILL 72

Private Member's Bill

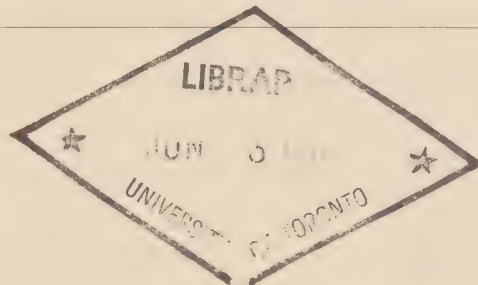
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to prevent post retirement integration of Insurance
Moneys and Pension Benefits with increases in
Government social security plans

MR. LAUGHREN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prevent the reduction of moneys paid out under an insurance or pension plan because of a general increase or cost of living increase in a government social security plan with which it may be integrated.

BILL 72

1975

**An Act to prevent post retirement
integration of Insurance Moneys and
Pension Benefits with increases in
Government social security plans**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “government social security plan” means,

- (i) the *Canada Pension Plan* (Canada), R.S.C. 1970,
c. C-5
- (ii) the *Old Age Security Act* (Canada), R.S.C. 1970,
c. O-6
- (iii) the *Department of Veterans Affairs Act* (Canada), R.S.C. 1970,
c. V-1
- (iv) *The Ontario Guaranteed Annual Income Act, 1974*, or 1974, c. 58
- (v) *The Family Benefits Act*; R.S.O. 1970,
c. 157

(b) “insurance money” has the same meaning as defined in paragraph 32 of section 1 of *The Insurance Act*; R.S.O. 1970,
c. 224

(c) “pension benefit” has the same meaning as defined in clause g of subsection 1 of section 1 of *The Pension Benefits Act*. R.S.O. 1970,
c. 342

2. Notwithstanding the provisions of any other Act, no insurance money or pension benefit shall be reduced by reason of an increase in any payment made under a government social security plan. Prohibition

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Post Retirement Integration of Insurance Moneys and Pension Benefits Prevention Act, 1975*.

An Act to prevent post
retirement integration of Insurance
Moneys and Pension Benefits with
increases in Government social
security plans

1st Reading

May 8th, 1975

2nd Reading

3rd Reading

MR. LAUGHREN

(Private Member's Bill)

CA20N
XB
-B56

BILL 73

Private Member's Bill

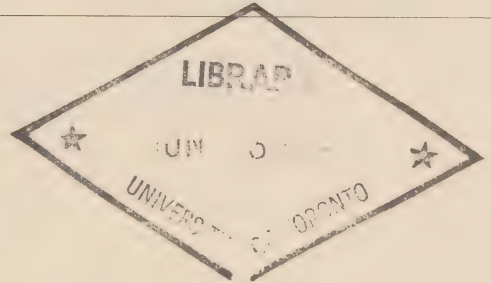
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to amend
The Regional Municipality of Sudbury Act, 1972

MR. GERMA



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Under *The Dog Licensing and Live Stock and Poultry Protection Act*, the maximum fine for allowing a dog to run at large contrary to a by-law is \$50 with no minimum. Subsection 1 of the new section 141a provides for a minimum of \$20 and a maximum of \$100.

The Dog Licensing and Live Stock and Poultry Protection Act does not confer any right of entry on premises. Subsection 2 of the new section 141a provides such right for animal control officers and police officers.

The procedure for the voluntary payment of penalties out of court is limited by *The Dog Licensing and Live Stock and Poultry Protection Act* to the offence of allowing a dog to run at large. Subsection 3 of the new section 141a will permit the procedure to be made applicable to any contravention of a by-law.

Particulars of the number of dogs for which a person is liable to be taxed are required by the new section 141b to be set down in the assessment roll prepared for the City of Sudbury.

BILL 73

1975

**An Act to amend
The Regional Municipality of Sudbury Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by adding thereto the following sections: ss. 141a, 141b.
enacted

141a.—(1) Notwithstanding subsection 3 of section 7 and section 8 of *The Dog Licensing and Live Stock and Poultry Protection Act*, a by-law passed by The Corporation of the City of Sudbury under Part I of that Act may impose a fine of not less than \$20 and not more than \$100 for the offence of allowing a dog to run at large. Penalty
R.S.O. 1970,
c. 133

(2) Notwithstanding subsection 4 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, an animal control officer appointed by the council of The Corporation of the City of Sudbury and a police officer may enter any premises in the City of Sudbury, except a dwelling, in order to seize a dog or dogs running at large contrary to a by-law passed under Part I of that Act, provided the officer proceeds with caution and does as little damage as possible in carrying out his duties. Authority
to enter
premises

(3) Notwithstanding subsection 5 of section 7 of *The Dog Licensing and Live Stock and Poultry Protection Act*, a by-law passed by the council of The Corporation of the City of Sudbury under Part I of that Act may provide for the voluntary payment out of court of penalties in cases where it is alleged that any of the provisions of the by-law have been contravened and, if payment is not made in accordance with the procedure, the fine is recoverable under *The Summary Convictions Act*. Payment
out of
court

R.S.O. 1970,
c. 450

141b. In addition to the particulars required to be set down in an assessment roll under subsection 1 of section 17 of *The Assessment Act*, the assessment roll prepared for the Particulars
in
assessment
roll
R.S.O. 1970,
c. 32

City of Sudbury shall set down opposite the name of each person assessed the number of male dogs, female dogs and spayed female dogs, respectively, for which the person is liable to be taxed.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Regional Municipality of Sudbury Amendment Act, 1975*.

An Act to amend
The Regional Municipality of
Sudbury Act, 1972

1st Reading

May 8th, 1975

2nd Reading

3rd Reading

MR. GERMA

(Private Member's Bill)

CA20N
XB
-B56

BILL 74

Government Bill

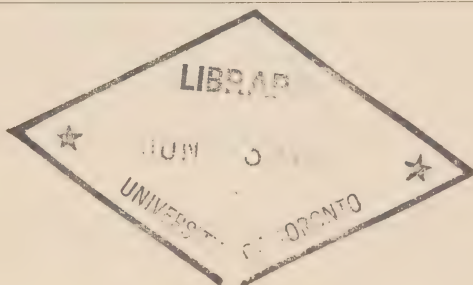
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

The Royal Canadian Legion Act, 1975

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet



EXPLANATORY NOTE

The Bill provides certain procedures in the way of notice and the proportion of the vote required when real property in Ontario of The Royal Canadian Legion or of one of its duly constituted branches is proposed to be sold, mortgaged, leased or otherwise alienated.

BILL 74

1975

The Royal Canadian Legion Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, real property in Ontario held by the Ontario Command of The Royal Canadian Legion, those duly constituted branches of the Manitoba and Northwestern Ontario Provincial Command operating within Ontario, the Dominion Command and every duly constituted branch of The Royal Canadian Legion within Ontario shall not be sold, leased, mortgaged, pledged, hypothecated or otherwise alienated, in any manner whatsoever unless it is so resolved by a two-thirds majority vote of the members of the Executive Committee of the Command or of the members of the branch, as the case may be, in good standing present and voting, at a special or regular general meeting of the Executive Committee of the Command or the members of the branch, for which notice of the resolution has been given to all members of the Executive Committee of the Command or of the branch in good standing, by mailing a notice to each member at his last known address, not less than ten days prior to such meeting.

Power of
Command
and
branches
to sell,
etc.,
property

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Royal Canadian Legion Act, 1975*.

Short title

The Royal Canadian
Legion Act, 1975

1st Reading

May 9th, 1975

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman,
Management Board of Cabinet

(Government Bill)

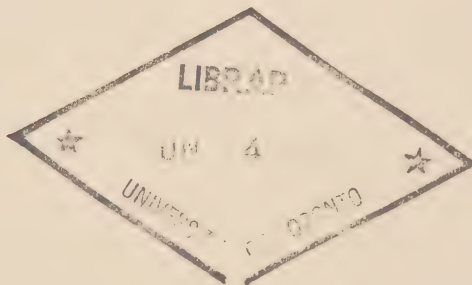
BILL 74
///

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
/ //

The Royal Canadian Legion Act, 1975

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet



BILL 74

1975

The Royal Canadian Legion Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any general or special Act, real ^{Power of Command and branches to sell, etc., property} property in Ontario held by the Ontario Command of The Royal Canadian Legion, those duly constituted branches of the Manitoba and Northwestern Ontario Provincial Command operating within Ontario, the Dominion Command and every duly constituted branch of The Royal Canadian Legion within Ontario shall not be sold, leased, mortgaged, pledged, hypothecated or otherwise alienated, in any manner whatsoever unless it is so resolved by a two-thirds majority vote of the members of the Executive Committee of the Command or of the members of the branch, as the case may be, in good standing present and voting, at a special or regular general meeting of the Executive Committee of the Command or the members of the branch, for which notice of the resolution has been given to all members of the Executive Committee of the Command or of the branch in good standing, by mailing a notice to each member at his last known address, not less than ten days prior to such meeting.

2. This Act comes into force on the day it receives Royal ^{Commencement} Assent.

3. This Act may be cited as *The Royal Canadian Legion Act, 1975*. ^{Short title}

The Royal Canadian
Legion Act, 1975

1st Reading

May 9th, 1975

2nd Reading

May 13th, 1975

3rd Reading

May 13th, 1975

THE HON. E. A. WINKLER
Chairman,
Management Board of Cabinet

CA20N

XB

-B56

BILL 75

Government Bill

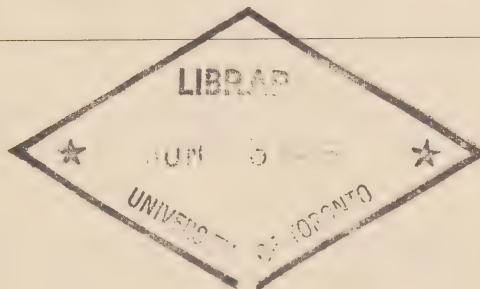
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

**An Act to reform certain Laws founded
upon Marital or Family Relationships**

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Bill removes remaining disabilities of a married woman under the common law and establishes the same law applying to married men and married women equally as if they were unmarried. This includes, among other things, the right to sue each other in tort and recognition of a wife's contribution to her husband's property to ameliorate the result of the recent case of *Murdoch v. Murdoch*.

BILL 75

1975

An Act to reform certain Laws founded upon Marital or Family Relationships

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For all purposes of the law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband. Unity of
legal
personality
abolished

(2) A married person has and shall be accorded legal capacity for all purposes and in all respects as if such person were an unmarried person. Capacity of
married
person

(3) Without limiting the generality of subsections 1 and 2, Idem

- (a) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;
- (b) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman;
- (c) except as agreed between them, where a husband or wife contributes work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a property in which the other has or had a property interest, the husband or wife shall not be disentitled to any right to compensation or other interest flowing from such contribution by reason only of the relationship of husband and wife or that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances;

(d) the rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that,

(i) the fact that property is placed or taken in the name of a husband and wife as joint tenants shall be *prima facie* proof that a joint tenancy of the beneficial interest in the property is intended, and

(ii) money on deposit in a bank, trust company, loan corporation or similar institution in the name of both a husband and wife shall be deemed to be in the name of the husband and wife as joint tenants for the purposes of subclause i.

Purpose of
subss. 1 and 2

(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed.

Application
of s. 1:
restraint
upon alien-
ation or
anticipation

2.—(1) Section 1 does not apply to interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of an instrument executed before this Act comes into force and for the purpose,

(a) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(b) the will of a testator shall be deemed to be an instrument executed on the day of his death.

Idem:
domicile

(2) Section 1 does not apply to affect the determination of domicile for any purpose.

Idem:
agency of
necessity

(3) Section 1 does not apply to affect the right of a wife to pledge her husband's credit for necessities.

Actions
between
parent and
child

3. No person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child.

SECTION 2.—Subsection 1. The special rule permitting restraint on alienation of the property of a married woman is abolished by section 1 and this provision preserves the rule in respect of agreements previously entered into.

Subsection 2. The rule that the domicile of the husband is the domicile of the marriage is preserved.

Subsection 3. The right of a wife to pledge her husband's credit for necessities is preserved.

SECTIONS 3 and 4. Actions for prenatal injuries and suits between parent and child are made possible as recommended by Part I of the Ontario Law Reform Commission's Report on Family Law dealing with torts.

SECTION 5. The provision repealed excludes the liability of an insurer for injury to a spouse or child of the insured who is a passenger. The exclusion is based upon the incapacity of married persons to sue each other in tort which is removed.

SECTION 6. The Bill enables the repeal of all *The Married Women's Property Act* except section 12 which provides a procedure for determining disputes as to division of property between husband and wife. The question of the interest of husband and wife in marital property is not dealt with in this Bill.

SECTION 7. The section repealed prevents the recovery by a married person of the part of damages for negligence attributable to the contributory negligence of the married person's spouse. The provision is based upon the incapacity of married persons to sue each other in tort, which incapacity is removed by section 1 (3) (a) of this Bill.

4. No person shall be disentitled from recovering damages in respect of injuries incurred for the reason only that the injuries were incurred before his birth. Recovery for prenatal injuries

5. Subclause i of clause b of section 214 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 224, s. 214 (b) (i), repealed

6. Sections 2 to 11 and section 13 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 262, ss. 2-11, 13, repealed

7. Subsection 4 of section 2 of *The Negligence Act*, being chapter 296 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 296, s. 2 (4), repealed

8. Section 7 does not apply in respect of actions commenced before this Act comes into force. Application of s. 7

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. This Act may be cited as *The Family Law Reform Act*, 1975. Short title

BILL 75

An Act to reform certain Laws founded
upon Marital or Family Relationships

1st Reading

May 12th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(Government Bill)

CA20N

XB

-B56

BILL 75

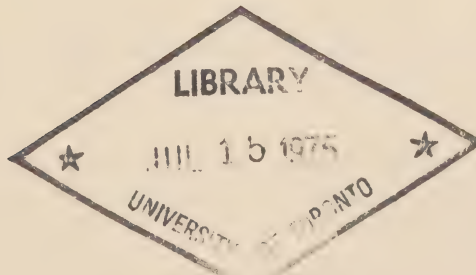
Government
Publication

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to reform certain Laws founded
upon Marital or Family Relationships**

Ontario, Legislative Assembly

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 75

1975

An Act to reform certain Laws founded upon Marital or Family Relationships

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married
person

(3) Without limiting the generality of subsections 1 and 2, Idem

- (a) each of the parties to a marriage has the like right of action in tort against the other as if they were not married;
- (b) a married woman is capable of acting as guardian *ad litem* or next friend as if she were an unmarried woman;
- (c) except as agreed between them, where a husband or wife contributes work, money or money's worth in respect of the acquisition, management, maintenance, operation or improvement of a property in which the other has or had a property interest, the husband or wife shall not be disentitled to any right to compensation or other interest flowing from such contribution by reason only of the relationship of husband and wife or that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances;

(d) the rule of law applying a presumption of advancement in questions of the ownership of property as between husband and wife is abolished and in place thereof the rule of law applying a presumption of a resulting trust shall be applied in the same manner as if they were not married, except that,

(i) the fact that property is placed or taken in the name of a husband and wife as joint tenants shall be *prima facie* proof that a joint tenancy of the beneficial interest in the property is intended, and

(ii) money on deposit in a bank, trust company, loan corporation or similar institution in the name of both a husband and wife shall be deemed to be in the name of the husband and wife as joint tenants for the purposes of subclause i.

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(4) The purpose of subsections 1 and 2 is to make the same law apply, and apply equally, to married men and married women and to remove any difference therein resulting from any common law rule or doctrine, and subsections 1 and 2 shall be so construed.

Application
of s. 1;
restraint
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2.—(1) Section 1 does not apply to interfere with or render inoperative any restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of an instrument executed before this Act comes into force and for the purpose,

(a) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and

(b) the will of a testator shall be deemed to be an instrument executed on the day of his death.

Idem:
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6. Sections 2 to 11 and section 13 of *The Married Women's Property Act*, being chapter 262 of the Revised Statutes of Ontario, 1970, are repealed. R.S.O. 1970, c. 262, ss. 2-11, 13, repealed

7. Subsection 4 of section 2 of *The Negligence Act*, being chapter 296 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 296, s. 2 (4), repealed

8. Section 7 does not apply in respect of actions commenced before this Act comes into force. Application of s. 7

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

10. This Act may be cited as *The Family Law Reform Act*, 1975. Short title

BILL 75

An Act to reform certain Laws founded
upon Marital or Family Relationships

1st Reading

May 12th, 1975

2nd Reading

June 20th, 1975

3rd Reading

June 27th, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N

XB

-B 56

BILL 76

Government
Publications

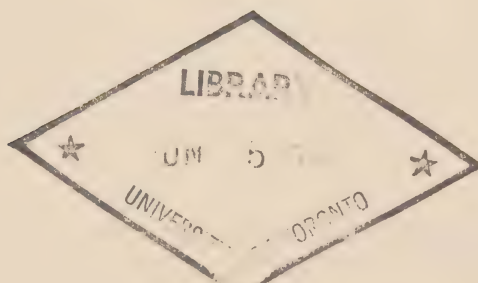
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Mortgage Brokers Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendment regulates the raising of money by mortgage and the sale of mortgages in Ontario where the real property security is outside Ontario. Prospectuses are required to be filed publicly in the same manner as for the sale of real estate outside Ontario.

BILL 76

1975

An Act to amend The Mortgage Brokers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Mortgage Brokers Act*, being chapter 278 of the Revised Statutes of Ontario, 1970, is amended by inserting after "Act" in the first line "except sections 11 to 21". s. 2,
amended
2. The said Act is amended by renumbering section 21 as section 10 and by adding thereto the following sections: s. 21,
renumbered,
ss. 11-19,
enacted

11.—(1) In sections 11 to 19,

Interpre-
tation

- (a) "mortgage transaction" means the borrowing of money on the security of real property or the assignment of a mortgage for consideration;
- (b) "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided in condominium units.

(2) Sections 12 to 19 apply to mortgage transactions on the security of lots or units in a subdivision outside Ontario where the mortgagor or assignor is the owner of an interest in five or more such lots or units or has been the owner of such an interest at any time in the preceding five years. Application
of ss. 12 to 19

(3) Sections 12 to 19 do not apply to mortgage transactions in which the mortgagee or assignee is a bank to which the *Bank Act* (Canada) applies on a loan or trust company Idem
R.S.C. 1970,
c. B-1

R.S.O. 1970,
cc. 254, 224

registered under the *Loan and Trust Corporations Act* or an insurance company licensed under the *Insurance Act*.

Mortgage
transactions
where land
outside
Ontario

12.—(1) No person shall enter into or negotiate a mortgage transaction in respect of a lot or unit of land in a subdivision located outside Ontario unless,

- (a) a prospectus containing the prescribed information has been filed with the Registrar and the Registrar has issued a certificate of acceptance;
- (b) he is a registered mortgage broker or the mortgage transaction is negotiated by a registered mortgage broker;
- (c) a copy of the prospectus or such shorter form of the prospectus as the Registrar approves for distribution to the public has been delivered to the prospective lender or assignee;
- (d) the prospective lender or assignee has in writing acknowledged receipt of a copy of a prospectus or shorter form of prospectus and has been afforded an opportunity to read it.

Inspection
of
acknowledg-
ments

(2) Every acknowledgment referred to in subsection 1 shall be retained by the mortgagor, assignor or mortgage broker and be available for inspection by the Registrar for a period of not less than three years.

Rescission

(3) A lender or assignee who has entered into a mortgage transaction to which subsection 1 applies is entitled to rescission of the contract if,

- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the mortgagor, assignor or mortgage broker within ninety days of the signing of the contract.

Onus

(4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the mortgagor or assignor.

Rights
reserved

(5) The right of rescission provided in this section is in addition to any other rights that the lender or assignee may have in respect of the contract or arrangement.

13. Each prospectus submitted to the Registrar for filing shall be accompanied by, Material filed with prospectus

- (a) an affidavit of the proposed mortgagor or assignor or, where the proposed mortgagor or assignor is a corporation, any two officers or an officer and a director, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the proposed mortgagor or assignor as the Registrar may require; and
- (f) the prescribed fees.

14.—(1) The Registrar may make such inquiries with respect to a prospectus as are necessary to determine whether a certificate of acceptance should be issued, including, Inquiries by Registrar

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. Costs

15.—(1) The Registrar shall grant a certificate of acceptance except where it appears that, Refusal of certificate of acceptance

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds or for assurance of title or other interest contracted for;

- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 13 have not been complied with in any substantial respect;
- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

Application
of s. 7

(2) Where the Registrar proposes to refuse to grant a certificate of acceptance, he shall serve notice of his proposal to refuse on the person on whose behalf the prospectus was filed and section 7 applies *mutatis mutandis* to the proposal in the same manner as to a proposal to refuse to register an applicant.

Revocation
of
certificate
of acceptance

16.—(1) Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in subsection 1 of section 15 exist or there has been any contravention of the Act or regulations, he may revoke the certificate of acceptance, which thereupon shall be deemed not to be issued.

Application
of s. 7

(2) Subject to subsection 3, the Registrar shall not revoke a certificate of acceptance and make an order under subsection 1 without serving notice of his proposal to revoke the certificate and make the order, together with written reasons therefor, on the person on whose behalf the prospectus was filed, and section 7 applies *mutatis mutandis* to the proposal in the same manner as to a proposal by the Registrar to revoke a registration.

Interim
suspension

(3) Where the Registrar proposes to revoke a certificate of acceptance, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the certificate of acceptance and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Amendment
of
prospectus

17.—(1) If a change occurs with regard to any of the matters set out in any prospectus,

- (a) that would have the effect of rendering a statement in the prospectus false or misleading; or

- (b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Sections 13 to 16 apply *mutatis mutandis* where a prospectus is amended or new prospectus filed under subsection 1. Application of ss. 13-16

18. A certificate of acceptance expires twelve months after it is issued and shall thereupon be deemed not to be issued, subject to the right to file a new prospectus and obtain a certificate of acceptance therefor in accordance with this Act. Expiration of certificate of acceptance

19. No person shall publish or cause to be published any advertisement for mortgage transactions on a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar. Advertising

3. Section 33 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 103, section 4, is further amended by adding thereto the following clauses: s. 33, amended

(l) prescribing the fees payable upon the filing of a prospectus;

(m) prescribing the information required to be contained in a prospectus.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. This Act may be cited as *The Mortgage Brokers Amendment Act, 1975*. Short title

An Act to amend
The Mortgage Brokers Act

1st Reading

May 15th, 1975

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

CA20N

X8

-B56

BILL 76

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Legislative Assembly

An Act to amend The Mortgage Brokers Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 76

1975

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2. The said Act is amended by renumbering section 21 as section 10 and by adding thereto the following sections: s. 21,
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- (b) "subdivision" means improved or unimproved land divided or proposed to be divided into five or more lots or other units for the purpose of sale or lease and includes land divided or proposed to be divided in condominium units.

(2) Sections 12 to 19 apply to mortgage transactions on the security of lots or units in a subdivision outside Ontario where the mortgagor or assignor is the owner of an interest in five or more such lots or units or has been the owner of such an interest at any time in the preceding five years. Application
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(3) Sections 12 to 19 do not apply to mortgage transactions in which the mortgagee or assignee is a bank to which the *Bank Act* (Canada) applies or a loan or trust company Idem
R.S.C. 1970,
c. B-1

R.S.O. 1970,
cc. 254, 224

registered under the *Loan and Trust Corporations Act* or an insurance company licensed under the *Insurance Act*.

Mortgage
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12.—(1) No person shall enter into or negotiate a mortgage transaction in respect of a lot or unit of land in a subdivision located outside Ontario unless,

- (a) a prospectus containing the prescribed information has been filed with the Registrar and the Registrar has issued a certificate of acceptance;
- (b) he is a registered mortgage broker or the mortgage transaction is negotiated by a registered mortgage broker;
- (c) a copy of the prospectus or such shorter form of the prospectus as the Registrar approves for distribution to the public has been delivered to the prospective lender or assignee;
- (d) the prospective lender or assignee has in writing acknowledged receipt of a copy of a prospectus or shorter form of prospectus and has been afforded an opportunity to read it.

Inspection
of
acknowledg-
ments

(2) Every acknowledgment referred to in subsection 1 shall be retained by the mortgagor, assignor or mortgage broker and be available for inspection by the Registrar for a period of not less than three years.

Rescission

(3) A lender or assignee who has entered into a mortgage transaction to which subsection 1 applies is entitled to rescission of the contract if,

- (a) subsection 1 has not been complied with; and
- (b) written notice of exercising the right of rescission is served on the mortgagor, assignor or mortgage broker within ninety days of the signing of the contract.

Onus

(4) In an action for rescission under subsection 3, the onus of proving compliance with subsection 1 rests upon the mortgagor or assignor.

Rights
reserved

(5) The right of rescission provided in this section is in addition to any other rights that the lender or assignee may have in respect of the contract or arrangement.

13. Each prospectus submitted to the Registrar for filing shall be accompanied by, Material
filed with
prospectus

- (a) an affidavit of the proposed mortgagor or assignor or, where the proposed mortgagor or assignor is a corporation, any two officers or an officer and a director, as to the correctness of every matter of fact stated in the prospectus;
- (b) a copy of every plan referred to in the prospectus;
- (c) a copy of every form of contract referred to in the prospectus;
- (d) such documents as the Registrar may require to support any statement of fact, proposal or estimate set out in the prospectus;
- (e) such financial particulars of the proposed mortgagor or assignor as the Registrar may require; and
- (f) the prescribed fees.

14.—(1) The Registrar may make such inquiries with respect to a prospectus as are necessary to determine whether a certificate of acceptance should be issued, including, Inquiries
by
Registrar

- (a) an examination of the subdivision and any of the surrounding circumstances; and
- (b) the obtaining of reports from public authorities or others within or outside Ontario.

(2) The reasonable and proper costs of such inquiries or reports shall be borne by the person on whose behalf the prospectus was filed. Costs

15.—(1) The Registrar shall grant a certificate of acceptance except where it appears that, Refusal of
certificate
of
acceptance

- (a) the prospectus contains any statement, promise or forecast that is misleading, false or deceptive, or has the effect of concealing material facts;
- (b) adequate provision has not been made for the protection of deposits or other funds or for assurance of title or other interest contracted for;

- (c) the prospectus fails to comply in any substantial respect with any of the requirements prescribed;
- (d) the requirements of section 13 have not been complied with in any substantial respect;
- (e) the proposed methods of offering do not accord with standard real estate practices in Ontario.

Application
of s. 7

(2) Where the Registrar proposes to refuse to grant a certificate of acceptance, he shall serve notice of his proposal to refuse on the person on whose behalf the prospectus was filed and section 7 applies *mutatis mutandis* to the proposal in the same manner as to a proposal to refuse to register an applicant.

Revocation
of
certificate
of acceptance

16.—(1) Where it appears to the Registrar, subsequent to the filing of a prospectus and the granting of a certificate of acceptance therefor, that any of the conditions referred to in subsection 1 of section 15 exist or there has been any contravention of the Act or regulations, he may revoke the certificate of acceptance, which thereupon shall be deemed not to be issued.

Application
of s. 7

(2) Subject to subsection 3, the Registrar shall not revoke a certificate of acceptance and make an order under subsection 1 without serving notice of his proposal to revoke the certificate and make the order, together with written reasons therefor, on the person on whose behalf the prospectus was filed, and section 7 applies *mutatis mutandis* to the proposal in the same manner as to a proposal by the Registrar to revoke a registration.

Interim
suspension

(3) Where the Registrar proposes to revoke a certificate of acceptance, the Registrar may, where the Registrar considers it to be necessary in the public interest, by order temporarily suspend the certificate of acceptance and the order shall take effect immediately and where a hearing is required, the order expires fifteen days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Tribunal holding the hearing may extend the time of expiration until the hearing is concluded.

Amendment
of
prospectus

17.—(1) If a change occurs with regard to any of the matters set out in any prospectus,

- (a) that would have the effect of rendering a statement in the prospectus false or misleading; or

- (b) that brings into being a fact or proposal that should have been disclosed in the prospectus if the fact or proposal had existed at the time of filing,

the person who filed the prospectus shall, within twenty days of the change occurring, notify the Registrar in writing of the change and shall file an amendment to the prospectus or a new prospectus as the Registrar may direct.

(2) Sections 13 to 16 apply *mutatis mutandis* where a prospectus is amended or new prospectus filed under subsection 1. Application of ss. 13-16

18. A certificate of acceptance expires twelve months after it is issued and shall thereupon be deemed not to be issued, subject to the right to file a new prospectus and obtain a certificate of acceptance therefor in accordance with this Act. Expiration of certificate of acceptance

19. No person shall publish or cause to be published any advertisement for mortgage transactions on a lot or unit in a subdivision located outside Ontario until the advertisement has been approved by the Registrar. Advertising

3. Section 33 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 103, section 4, is further amended by adding thereto the following clauses: s. 33, amended

(l) prescribing the fees payable upon the filing of a prospectus;

(m) prescribing the information required to be contained in a prospectus.

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

5. This Act may be cited as *The Mortgage Brokers Amendment Act, 1975*. Short title

An Act to amend
The Mortgage Brokers Act

1st Reading

May 15th, 1975

2nd Reading

May 27th, 1975

3rd Reading

May 27th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

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Government
Publications

BILL 77

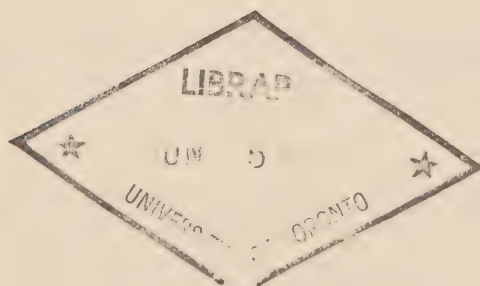
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Power Corporation Act

THE HON. D. TIMBRELL
Minister of Energy



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Municipal corporation is defined and is complementary to new subsection 1 of section 95 of the Act.

The definition of "other purchasers" is complementary to new sections 14, 15 and 76 of the Act.

SECTION 2. Ontario Hydro's Board of Directors is increased from 13 to 15.

SECTION 3. Complementary to new section 76 of the Act.

An Act to amend The Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 57, section 3, is further amended by adding thereto the following clauses:

(db) "municipal corporation" means the corporation of a locality the inhabitants of which are incorporated and includes the corporation of a metropolitan, regional or district municipality;

(dc) "other purchasers" means,

(i) persons supplied with power pursuant to section 70, and

(ii) customers supplied with power pursuant to Part IV.

2. Subsection 1 of section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 57, section 4, is amended by striking out "ten" in the third line and inserting in lieu thereof "twelve".

- 3.—(1) Clause *a* of subsection 3 of section 7 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is further amended by striking out "cost of power to" in the fourth line and inserting in lieu thereof "price payable for power by".

- (2) Subsection 3 of the said section 7 is amended by striking out "cost of" in the twenty-first line and inserting in lieu thereof "price payable for".

s. 12,
re-enacted

4. Section 12 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, sections 2 and 8, is repealed and the following substituted therefor:

Application
of moneys
and revenues
of Corpora-
tion

12. The Corporation may use and employ all moneys and revenues that are in or hereafter come into its hands only for such purposes as are authorized or required by this Act.

ss. 14, 15,
re-enacted

5. Sections 14 and 15 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed and the following substituted therefor:

Accumulated
Equities
Account
established

14.—(1) The Corporation shall establish and maintain an Accumulated Equities Account and shall transfer to that account, as of the 31st day of December, 1974,

- (a) such portion of the credit balance recorded for the combined benefit of all municipal corporations and other purchasers as may be designated by the Corporation; and
- (b) the credit balance recorded for the sole benefit of municipal corporations,

in the stabilization of rates and contingencies reserve account heretofore maintained on the books of the Corporation in accordance with section 16 as section 16 existed immediately before the coming into force of this section, and

- (c) the credit balances representing sums which were set apart annually by the Corporation as a sinking fund in accordance with section 17 to be used or employed in accordance with section 18 as sections 17 and 18 existed immediately before the coming into force of this section.

Amounts to
be recorded

(2) Commencing with the fiscal year 1975, and for each succeeding fiscal year, the Corporation shall record in the Accumulated Equities Account the amounts included in the price payable for power by municipal corporations and other purchasers pursuant to subsection 1 of section 76 for the purposes of clause *c* thereof.

Use of
amounts

(3) The amounts included in the price payable for power by municipal corporations and other purchasers pursuant to subsection 1 of section 76 for the purposes of clause *c* thereof shall be allocated, used and employed by the Corporation for such purposes, but the portion of those amounts allocated, used and employed for repayment of any indebtedness of the Corporation shall not be less than the minimum amount specified in the said clause *c*.

SECTION 4. Section 12 of the Act is re-enacted to remove references to the reserves, which are abolished, and is simplified for clarity.

SECTION 5. Sections 14 and 15, which authorized reserve accounts for depreciation, insurance and frequency standardization, are repealed.

In new section 14, the new Accumulated Equities Account records customers' capital contributions, which are the amounts included in rates pursuant to subsection 1 of section 76 for purposes of debt retirement and system expansion. Past capital contributions, recorded to date in the sinking fund (section 17) and stabilization of rates and contingency reserve (section 16) are transferred into the new account as of December 31, 1974. Subsection 3 of section 14 provides that capital contributions are to be used only for capital purposes. Subsection 4 of section 14 provides that unused moneys may be invested temporarily.

In new section 15, the Accumulated Surplus or Deficit Account generally replaces the thirteenth bill as a method of reconciling billings and actual operating costs. Surpluses and deficits of any year will be credited or made up in the rates of subsequent years (sections 15 (5), 76 (1)). Certain existing credit and deficit balances in the stabilization of rates and contingency reserve are transferred into the new account as of December 31, 1974 as its opening entries.

(4) The Corporation may deal with any portion of the amounts referred to in subsection 3 not immediately required for the purposes of clause *c* of subsection 1 of section 76 in accordance with section 20. Temporary investments

15.—(1) The Corporation shall establish and maintain an Accumulated Surplus or Deficit Account and shall transfer to that account as of the 31st day of December, 1974, from the stabilization of rates and contingencies reserve account heretofore maintained on the books of the Corporation in accordance with section 16 as section 16 existed immediately before the coming into force of this section, Accumulated Surplus or Deficit Account established

- (a) the deficit balances recorded in respect of the supply of power to persons pursuant to section 70 and customers pursuant to Part IV; and
- (b) the remainder of the credit balance recorded for the combined benefit of all municipal corporations and other purchasers after the transfer of the portion designated under clause *a* of subsection 1 of section 14 has been made,

and the amount referred to in clause *b* shall be allocated among the municipal corporations and other purchasers in such manner as the Corporation may determine.

(2) Commencing with the fiscal year 1975 and for each succeeding fiscal year, the Corporation shall, for the purposes of this section, allocate and adjust its net income among municipal corporations and other purchasers in such amounts as the Corporation may determine, and shall record in the Accumulated Surplus or Deficit Account the amounts by which, Amounts to be recorded

- (a) the net income of the Corporation, so allocated and adjusted,

exceed or are less than,

- (b) the amounts included in the price payable for power by the municipal corporations and other purchasers pursuant to subsection 1 of section 76 for the purposes of clause *c* thereof.

(3) The Corporation may credit or charge interest at a rate that may be determined by the Corporation from time to time to or against the credit or deficit balances in the Accumulated Surplus or Deficit Account. Interest on balances

Transfers of
amounts in
exceptional
circum-
stances

(4) If the Corporation determines that exceptional circumstances warrant such action, the Corporation may transfer amounts representing the whole or part of any loss arising from injury to, destruction, obsolescence or loss of use of any works or other property of the Corporation or other contingencies arising in the operations of the Corporation, from the Accumulated Surplus or Deficit Account to the Accumulated Equities Account.

Use of
balances

(5) Any surplus balance recorded in the Accumulated Surplus or Deficit Account shall be used to reduce the price payable for power by the municipal corporations and other purchasers in respect of whom the surplus is recorded during such period as the Corporation may determine.

ss. 16-19,
repealed

6. Sections 16, 17, 18 and 19 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed.

s. 24 (2) (c),
re-enacted

7.—(1) Clause *c* of subsection 2 of section 24 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor:

to acquire and
construct
works for
production
and use of
power

(c) generate and produce power at places in Ontario by any means, and transform, transmit, make available for use, distribute, deliver, sell, supply and generally use for the purposes of the Corporation such power and connect the works constructed or installed for these purposes with any other power works and with any system.

s. 24 (2) (d, m),
re-enacted
s. 24 (2) (l),
repealed

(2) Clauses *d*, *l*, and clause *m* as amended by the Statutes of Ontario, 1973, Chapter 57, section 2, of subsection 2 of the said section 24 are repealed and the following substituted therefor:

acquire and
use property
related to
provision
of power

(d) for the purposes of clause *c*, acquire, produce, construct, maintain, operate and use works and other real and personal property, including anything in or outside Ontario related to a supply of fuel, and in conjunction with any acquisition, acquire all or any part of the remaining real and personal property of the person from whom the acquisition is made;

.

carry on
business
through
subsidiaries
or joint
ventures

(m) (i) procure the incorporation of any corporation, or
(ii) acquire by any means and exercise direction and control of any corporation,

Subsection 4 permits all or part of extraordinary losses to be written off against the Accumulated Equities Account when it is inappropriate to recover them through rates.

SECTION 6. The stabilization of rates and contingencies reserve and the sinking fund are repealed.

SECTION 7.—Subsection 1. Clause *c* of subsection 2 of section 24 of the Act is re-enacted to remove the references to particular types of fuel.

Subsection 2. Clause *d* is amended to include works and property related to a supply of fuel in or outside Ontario.

Clauses *l* and *m* are repealed and replaced by new clause *m*, which permits the Lieutenant Governor in Council to authorize the Corporation to carry on any portion of its business through a subsidiary or joint venture.

Subsection 3. Subsection 3, which referred to the powers contained in *The Public Works Act*, is repealed.

New subsection 3 expressly includes Hydro's expenditures for the purposes of section 24 in the computation of the new debt retirement and system expansion charge provided for by section 76 of the Act.

New subsection 3a provides that subsidiaries and works to be specified by regulation, shall not be disposed of without the approval of the Lieutenant Governor in Council.

New subsection 3b authorizes Hydro to transfer assets to a subsidiary.

The definition of fuel is complementary to subsection 2.

to carry on, on behalf of the Corporation, the business of providing power in Ontario or any business related to the provision of power in Ontario, including any business related to a supply of fuel from within or outside Ontario, or otherwise participate with any person in carrying on any such business on such terms and conditions as may be prescribed by the Lieutenant Governor in Council, which for greater certainty may include any covenant or agreement, any payment in cash or in obligations of the Corporation, or any guarantee or covenant or agreement for or in respect of the performance of any obligations, securities, or contracts of any corporation or person mentioned in this clause.

- (3) Subsection 3 of the said section 24, as amended by the ^{s. 24 (3), re-enacted} Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor:

(3) For the purposes of this Act, any payment made or ^{Costs that are deemed to be investments in works} obligation or contract assumed by the Corporation for the purposes of this section shall be deemed to be a cost incurred by the Corporation in respect of providing works or an indebtedness of the Corporation, whichever is applicable.

(3a) The Corporation or any corporation controlled by the ^{Disposition of property} Corporation shall not sell, lease or otherwise dispose of,

(a) any works of any class specified in regulations that may be made by the Lieutenant Governor in Council; or

(b) any interest in a corporation controlled by it,

other than to the Corporation, except with the approval of the Lieutenant Governor in Council.

(3b) Notwithstanding subsection 3a, the Corporation may ^{Transfer to subsidiaries} sell, lease or otherwise transfer any real or personal property to any corporation referred to in subclauses i and ii of clause *m* of subsection 2 for purposes related to the provision of power in Ontario, including a supply of fuel from within or outside Ontario.

(3c) For the purposes of this section, "fuel" means any- ^{Interpretation} thing capable of being used or made useful as a source of energy related to the generation and production of power and also includes deuterium, its derivatives and compounds.

s. 24a,
enacted

8. The said Act is amended by adding thereto the following section:

Extra-
provincial
powers

24a. Subject to the prior authorization of the Lieutenant Governor in Council where provided for under this Act, the Corporation may exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights.

s. 38 (2),
repealed

9. Subsection 2 of section 38 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed.

ss. 51, 52,
repealed

10. Sections 51 and 52 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed.

s. 54 (3) (f),
amended

11. Clause *f* of subsection 3 of section 54 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is further amended by striking out "84" in the second line and inserting in lieu thereof "Part IV".

s. 59 (2),
re-enacted

- 12.—(1) Subsection 2 of section 59 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor:

(2) The Lieutenant Governor in Council, upon the request of the Corporation specifying,

(a) the nature and volume of the business to be carried on; and

(b) the extent of the liability that may be incurred in connection therewith,

may authorize the Corporation to manufacture in Ontario such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the development, transmission, distribution, supply or use of power, and to acquire patents of invention or interests therein, and to sell or dispose of such machinery, appliances, furnishings or patent rights.

s. 59 (7),
repealed

- (2) Subsection 7 of the said section 59, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed.

ss. 60, 61,
re-enacted

13. Sections 60 and 61 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed and the following substituted therefor:

SECTION 8. Section 24*a* of the Act expressly authorizes Hydro to contract outside Ontario to the extent allowed by the laws of the foreign jurisdiction.

SECTION 9. The section repeals a separate provision for the repayment of the cost of office buildings.

SECTION 10. Sections 51 and 52 of the Act provided for repayments of advances and are repealed as spent.

SECTION 11. Section 84 is contained in Part IV of the Act.

SECTION 12. Subsection 7 and part of subsection 2 are repealed. Profits and losses from all miscellaneous activities are now accounted for through the Accumulated Surplus or Deficit Account (section 15).

SECTION 13. Sections 60 and 61 are re-enacted since miscellaneous revenues are now accounted for through the Accumulated Surplus or Deficit Account (section 15).

SECTION 14. Complementary to new section 76.

SECTION 15. Payment of interest by municipalities on arrears of power accounts is provided for by the new section 78.

SECTION 16. Section 71 is repealed and section 70 is re-enacted as two sections to segregate continuous from at-will sales. Approval of the Lieutenant Governor in Council is now required only for contracts for the supply of power for use outside Ontario. References to the now completed frequency conversion program are removed.

SECTION 17. Section 84 is contained in Part IV.

60. Where in the course of the operations of the Corporation any commodity is produced as a by-product or is found upon property vested in the Corporation, the Corporation may sell or otherwise dispose of the commodity at such prices and upon such terms as it considers proper. Sale of by-products

61. When any works constructed or acquired by the Corporation for the purpose of supplying power are not in use for that purpose, the Corporation may utilize them for such revenue-producing purposes as it considers proper. Utilization of unused works

14. Subsection 2 of section 62 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is further amended by striking out "cost" in the second line and inserting in lieu thereof "price". s. 62 (2), amended

15. Section 63a of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 57, section 15, is repealed. s. 63a, repealed

16. Sections 70 and 71 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed and the following substituted therefor: ss. 70, 71, re-enacted

70. In addition to the powers conferred on the Corporation to supply power to municipal corporations, and to customers pursuant to Part IV, the Corporation may contract with any other person for a commercially continuous supply of power, or for any supply subject to interruption, for use inside or outside Ontario upon such terms and conditions as the Corporation considers desirable, but a contract for the supply of power for use outside Ontario is subject to the approval of the Lieutenant Governor in Council. Direct contracts

71. In addition to the powers conferred on the Corporation to supply power to municipal corporations and other purchasers, the Corporation may contract with any person for a supply of power other than on a basis mentioned in section 70 for use inside or outside Ontario at such rates and charges and upon such terms and conditions as the Corporation considers desirable, but a contract for the supply of power for use outside Ontario is subject to the approval of the Lieutenant Governor in Council. At-will contracts

17. Subsection 1 of section 73 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is further amended by striking out "section 84" in the fourth line and inserting in lieu thereof "Part IV". s. 73 (1), amended

s. 76,
re-enacted

- 18.** Section 76 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor:

Bulk power
pricing

76.—(1) Notwithstanding anything in any contract entered into by the Corporation for a supply of power, the price payable for power by a municipal corporation or other purchaser shall be determined by the Corporation based only upon the amounts required,

- (a) for the purposes of meeting the costs of operation, maintenance, improvement, depreciation and insurance of the works and the costs of administration of the Corporation;
- (b) to provide for interest and expenses of debt service, and any interest charged or credited on the balances remaining from time to time to the credit of any account established under this Act;
- (c) to be applied towards,
 - (i) repayment of any indebtedness of the Corporation, and
 - (ii) costs incurred by the Corporation in respect of providing works,

but the minimum amount determined for the purposes of subclauses i and ii shall be an annual amount sufficient, with interest at 4 per cent per year, to repay within forty years any indebtedness of the Corporation;

- (d) to restore, over such period of time as the Corporation may determine, any deficit balance recorded in the Accumulated Surplus or Deficit Account; and
- (e) to be applied towards meeting any expenses or costs caused by or arising from injury to or destruction, obsolescence or loss of use of any works or other property of the Corporation and any contingencies arising in the operations of the Corporation,

as the Corporation may allocate and adjust such amounts among the municipal corporations and other purchasers.

Specific
facilities

- (2) For greater certainty, the price payable for power by any municipal corporation or other purchaser shall include any additional amounts required by the Corporation for the

SECTION 18. Section 76 is re-enacted with the following significant changes:

1. The principles of wholesale pricing are made uniform for almost all customers in the province.
2. The provision for debt retirement in the costing formula is replaced by a combined charge for debt retirement and system expansion.
3. Provision is made to recover deficit balances appearing in the Accumulated Surplus or Deficit Account.

Subsection 2 refers to specific facilities.

SECTION 19. Section 76*a* of the Act clarifies Hydro's right to continue the practice of the return on equity.

SECTION 20. Section 77, which referred to the sinking fund, is repealed. The repeal is complementary to new section 14 of the Act.

Section 78 of the Act is re-enacted as new section 77 to permit the interest rate charged on arrears of power bills to be determined by the Corporation.

Section 79 of the Act is repealed as surpluses are now dealt with through the Accumulated Surplus or Deficit Account (section 15).

Sections 80 and 81, which refer to "systems", are spent and are repealed.

Section 82, which required an annual adjustment of rates and costs through "13th bills", is repealed and re-enacted in clause *d* of new section 78 pursuant to which the Corporation may but is no longer required to issue 13th bills.

New section 78 also provides for monthly payments for power by municipalities, and for interest on arrears at a rate determined by the Corporation.

New section 79 is self-explanatory.

purposes of the distribution, supply and delivery to that municipal corporation or other purchaser.

19. The said Act is further amended by adding thereto the following section: s. 76a.
enacted

76a. For greater certainty, the Corporation has, pursuant to clause *b* of subsection 1 of section 76, authority to reflect in the price payable for power by municipal corporations and other purchasers, the amounts commonly described as "cost of return on equity" and "return on equity". Cost of
and return
on equity

20. Sections 77, 78, 79, 80, 81 and 82 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed and the following substituted therefor: ss. 77-79,
re-enacted
ss. 80-82,
repealed

77. The Corporation may, during the first three years after a municipal corporation first begins to take power from the Corporation, extend the time for payment of any sum payable by it, and the municipal corporation shall pay to the Corporation interest on the amount that may be in arrears or for the payment for which time is extended until the payment thereof, at such rate as may be determined by the Corporation from time to time. Extending
time for
payments by
municipalities

78. Notwithstanding any agreement heretofore or hereafter entered into by the Corporation for the supply of power to a municipal corporation, Payment by
municipal
corporations

- (a) a municipal corporation shall pay to the Corporation for power supplied to the municipal corporation in accordance with monthly invoices rendered by the Corporation at the price determined in accordance with section 76 expressed as one or more demand rates applied to the kilowatts taken by the municipal corporation during such time intervals as are established by the Corporation for billing purposes and one or more energy rates applied to the kilowatt-hours consumed by the municipal corporation;
- (b) where the Corporation does not receive payment of an invoice within fifteen days from the date the Corporation rendered the invoice, the payment shall be deemed to be in arrears;
- (c) interest on a payment in arrears shall be charged to and paid by the municipal corporation at such rate as may be determined by the Corporation; and

- (d) the Corporation may make any adjustment in the amounts paid or payable by a municipal corporation in accordance with this section and section 76 at the close of a fiscal year, and when such adjustment is made, the difference between the invoiced amounts and the adjusted amounts shall be paid by the municipal corporation to the Corporation or credited to the municipal corporation by the Corporation, as the case may be.

Maximum
rate of
interest

79. For the purposes of this Act, any rate of interest to be determined or approved by the Corporation shall not exceed 1 per cent per month.

s. 83 (7),
re-enacted

- 21.** Subsection 7 of section 83 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor:

Rates and
charges

(7) The provisions of section 76 with respect to the price payable for the supply of power by the Corporation to customers pursuant to Part IV apply to any contract entered into under this section and extend to all street lighting works constructed under the contract, but do not apply in respect of the capital cost of works acquired or constructed by the township.

s. 84 (2),
amended

- 22.** Subsection 2 of section 84 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is further amended by striking out "at cost" in the fourth line and inserting in lieu thereof "pursuant to Part II".

s. 90,
re-enacted,
ss. 91, 92,
repealed

- 23.** Sections 90, 91 and 92 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, are repealed and the following substituted therefor:

Penalties and
discounts

90. The Corporation may, in respect of any payment for a supply of power pursuant to this Part,

- (a) impose a late payment penalty charge on any payment in arrears consisting of such fixed amount or such percentage of the amount otherwise payable as may be determined by the Corporation; or
- (b) allow such percentage discount from the amount otherwise payable for prepayment or punctual payment as may be determined by the Corporation,

and may in addition charge interest at such rate as may be determined by the Corporation on any payment in arrears computed from the thirtieth day that the payment is in arrears to the day of payment.

SECTION 21. Township street lighting contracts are now included and accounted for with the supply of power in the rural power district.

SECTION 22. The amendment is complementary to new section 76 of the Act.

SECTION 23. Sections 90, 91 and 92 provided for rates in the rural power district which are now included in new section 76 of the Act.

New section 90 clarifies Hydro's authority to charge for late payment of bills by its customers in the rural power district.

SECTION 24. The minimum fine clause is increased from \$25 to \$50 and the maximum from \$500 to \$2,000 for an infraction of the Electrical Safety Code.

SECTION 25. Subsection 1 of section 95 of the Act is re-enacted to include the borrowings for power purposes of regional municipalities which do not have contracts with the Corporation.

Subsection 7 is repealed since a separate provision for The Municipality of Metropolitan Toronto will no longer be required.

SECTION 26. New section 96 clarifies municipal authority to charge for late payment of customer bills as may be approved by the Corporation.

24. Clause *b* of subsection 11 of section 94 of the said Act is amended by striking out “\$25” in the fourth line and inserting in lieu thereof “\$50” and by striking out “\$500” in the fifth line and inserting in lieu thereof “\$2,000”. s. 94 (11) (b),
amended

25.—(1) Subsection 1 of section 95 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor: s. 95 (1),
re-enacted

(1) The council of a municipal corporation shall not pass a by-law for the issue of debentures or borrow money by other means for any extension or improvement to works maintained and operated within the boundaries of the corporation for the supply and distribution of power supplied by the Corporation without having first obtained the assent of the Corporation to the amount of such issue or other borrowing and the purposes of which the proceeds of the issue or other borrowing are to be applied. Municipal
borrowing
for power
purposes

(2) Subsection 7 of the said section 95, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed. s. 95 (7),
repealed

26. Section 96 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is repealed and the following substituted therefor: s. 96,
re-enacted

96.—(1) The rates and charges for supplying power, including without limitation any late payment penalty charge, discount or interest referred to in subsection 2, and the rents and charges to meet the cost of any work or service done or furnished for the purposes of a supply of power, chargeable by any municipal corporation or municipal commission generating or receiving and distributing power are subject at all times to the approval and control of the Corporation, and the rates, and such rents and charges, charged by any company or individual receiving power from the Corporation for the supply of power are subject at all times to such approval and control. Rates and
charges
to be
approved

(2) Notwithstanding section 27 of *The Public Utilities Act*, a municipal corporation, municipal commission, company or individual referred to in subsection 1 may, Penalties and
discounts
R.S.O. 1970.
c. 390

(a) impose a late payment penalty charge on any payment in arrears consisting of such fixed amount or such percentage of the amount otherwise payable as may be approved by the Corporation; or

- (b) allow such percentage discount from the amount otherwise payable for prepayment or punctual payment as may be approved by the Corporation,

and may in addition charge interest at such rate as may be approved by the Corporation on any payment in arrears computed from the thirtieth day that the payment is in arrears to the day of payment.

s. 98 (6),
amended

- 27.** Subsection 6 of section 98 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 57, section 2, is further amended by striking out "cost of" in the fourth line and inserting in lieu thereof "price for".

Commence-
ment

- 28.** This Act shall be deemed to have come into force on the 1st day of January, 1975.

Short title

- 29.** This Act may be cited as *The Power Corporation Amendment Act, 1975*.

SECTION 27. Complementary to new section 76 of the Act.

An Act to amend
The Power Corporation Act

1st Reading

May 16th, 1975

2nd Reading

3rd Reading

THE HON. D. TIMBRELL
Minister of Energy

(Government Bill)

CA20N

XB

-B 56

BILL 78

Government
Publications

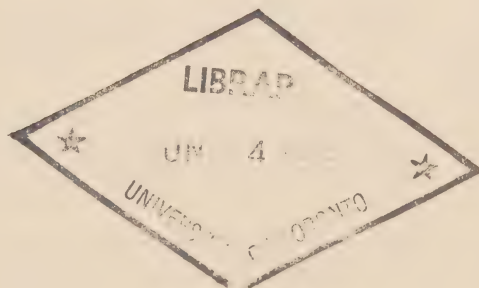
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

**An Act to amend
The Ministry of Colleges and Universities Act, 1971**

THE HON. J. A. C. AULD
Minister of Colleges and Universities



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the payment of interest by the Minister on guaranteed student loans for prescribed periods. During such period no interest would be payable by the student.

BILL 78

1975

**An Act to amend
The Ministry of Colleges and Universities
Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, is amended by adding thereto the following section:

6e.—(1) Where a loan is made under section 6d, the Minister shall pay to a chartered bank in respect of each guaranteed student loan that a student borrower is obliged to repay to that bank, interest thereon at the rate and for the period prescribed by the regulations and no interest is payable by a student on such guaranteed student loan in respect of such period.

(2) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the rate of interest payable by the Minister or a student borrower to a bank on a guaranteed student loan;
- (b) prescribing the period that may lapse after which the principal amount of a guaranteed student loan and interest thereon shall commence to be payable by the student borrower;
- (c) respecting the subrogation of Her Majesty in right of Ontario to the rights of a bank with respect to a guaranteed student loan;
- (d) prescribing procedures to be followed by a bank with respect to a guaranteed student loan;
- (e) prescribing the provisions to be included in agreements between borrowers and banks related to guaranteed student loans;

- (f) providing for the alteration of agreements between borrowers and banks and prescribing the conditions and consequences of such alterations;
- (g) providing for the assignment or transfer by banks of agreements between borrowers and banks and prescribing the conditions and consequences of such assignments or transfers;
- (h) prescribing, in the event of default in the repayment of a guaranteed student loan, the measures to be taken by the bank and the procedures to be followed for the collection of the amount of the loan outstanding and accrued interest;
- (i) prescribing the method of determining the amount of any loss sustained by a bank as a result of a guaranteed student loan;
- (j) prescribing the procedure to be followed by a bank in making a claim against the Minister;
- (k) prescribing the maximum number of years that may elapse after which the principal amount of a guaranteed student loan and interest thereon shall commence to be payable by the borrower;
- (l) providing for reports to be made to the Minister for the purposes of this Act, and prescribing the kind of information to be included in those reports.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ministry of Colleges and Universities Amendment Act, 1975*.

An Act to amend
The Ministry of Colleges
and Universities Act, 1971

1st Reading

May 16th, 1975

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of Colleges and Universities

(Government Bill)

CAZON

XB

-B56

BILL 78

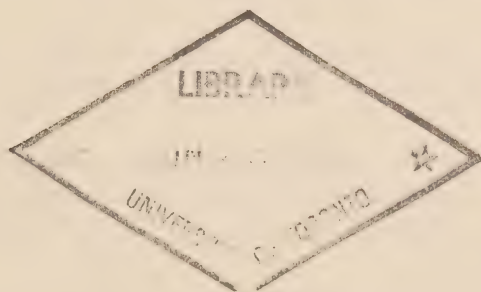
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Ministry of Colleges and Universities Act, 1971**

THE HON. J. A. C. AULD
Minister of Colleges and Universities



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

**An Act to amend
The Ministry of Colleges and Universities
Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Colleges and Universities Act, 1971*, being ^{s. 6e, enacted} chapter 66, is amended by adding thereto the following section:

6e.—(1) Where a loan is made under section 6d, the Minister shall pay to a chartered bank in respect of each guaranteed student loan that a student borrower is obliged to repay to that bank, interest thereon at the rate and for the period prescribed by the regulations and no interest is payable by a student on such guaranteed student loan in respect of such period. ^{Minister to pay interest}

(2) The Lieutenant Governor in Council may make regu- ^{Regulations}lations,

- (a) prescribing the rate of interest payable by the Minister or a student borrower to a bank on a guaranteed student loan;
- (b) prescribing the period that may lapse after which the principal amount of a guaranteed student loan and interest thereon shall commence to be payable by the student borrower;
- (c) respecting the subrogation of Her Majesty in right of Ontario to the rights of a bank with respect to a guaranteed student loan;
- (d) prescribing procedures to be followed by a bank with respect to a guaranteed student loan;
- (e) prescribing the provisions to be included in agreements between borrowers and banks related to guaranteed student loans;

BILL 78

An Act to amend
The Ministry of Colleges
and Universities Act, 1971

1st Reading

May 16th, 1975

2nd Reading

June 5th, 1975

3rd Reading

June 5th, 1975

THE HON. J. A. C. AULD
Minister of Colleges and Universities

CA20N

XB

-B56

BILL 79

Government

Publications

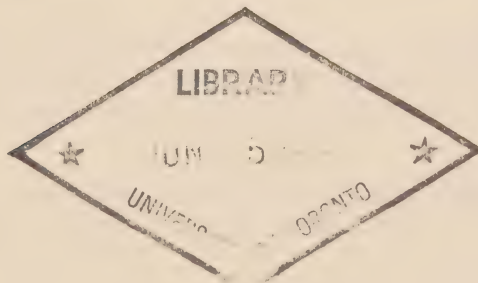
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Judicature Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The amendments implement recommendations of the Ontario Law Reform Commission affecting the master's office and contained in Part III of the Report on the Administration of Ontario Courts.

SECTION 1. The titles of Master and assistant masters are changed to Senior Master and masters.

SECTION 2. Complementary to section 1 of this Bill.

SECTION 3. Complementary to section 1 of this Bill.

SECTION 4. The amendments provide for appointment, tenure of office and other matters similar to that provided for provincial judges in *The Provincial Courts Act* for the purpose of increasing the judicial independence of masters.

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (*m*),
re-enacted
 - (*m*) “master” means a Master of the Supreme Court and includes the Senior Master.
2. Subsection 3 of section 85 of the said Act is repealed. s. 85 (3),
repealed
3. Subsection 1 of section 97 of the said Act is amended by striking out “the Master of the Supreme Court” in the first and second lines and inserting in lieu thereof “masters”. s. 97 (1),
amended
4. Sections 98 and 99 of the said Act are repealed and the following substituted therefor: ss. 98, 99,
re-enacted

MASTERS

98.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such Masters of the Supreme Court as are considered necessary. Appointment
of masters

(2) A master may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if, Removal
for cause

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the master is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being

heard and of cross-examining the witnesses and of producing evidence on his own behalf.

Inquiry	(3) For the purpose of making an inquiry under subsection 2, the Lieutenant Governor in Council may appoint one or more judges of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of <i>The Public Inquiries Act, 1971</i> , which Part applies to such inquiry as if it were an inquiry under that Act.
1971, c. 49	
Order for removal	(4) An order removing a master from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.
Retirement	99.—(1) Every master shall retire upon attaining the age of sixty-five years.
Idem	(2) Notwithstanding subsection 1, a master appointed before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years.
Reappointment	(3) Upon attaining an age for retirement under subsection 1 or 2, a master may be reappointed to hold office during pleasure but shall not hold office after attaining the age of seventy-five years.
Resignation	(4) A master may at any time resign his office in writing, signed by him and delivered to the Attorney General.
Duties of Judicial Council for Provincial Judges R.S.O. 1970, c. 369	99a. The Judicial Council for Provincial Judges established under <i>The Provincial Courts Act</i> has the same powers and shall perform the same duties in respect of the appointment of and investigation of complaints against masters as it has or may perform in respect of provincial judges.
Senior Master	99b.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a master as Senior Master.
Temporary appointments	(2) The Attorney General may designate masters to act in the place of the Senior Master for all purposes during his illness or absence.
Duties	(3) The Senior Master shall have general supervision and direction over the administration of the offices of the masters

and arranging and assigning masters for hearings as circumstances require.

99c.—(1) The Lieutenant Governor in Council may make regulations, ^{Remuneration, etc.}

- (a) fixing the remuneration of masters;
- (b) providing for the benefits to which masters are entitled, including,
 - (i) leave of absence and vacations,
 - (ii) sick leave credits and payments in respect of such credits,
 - (iii) pension benefits for masters and their widows and surviving children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as masters under this Act were entitled under *The Public Service Act* or *The Public Service Superannuation Act* at the time of their appointment under this Act. ^{R.S.O. 1970, cc. 386, 387}

(2) Subject to subsection 3, unless authorized by the Lieutenant Governor in Council, a master shall not practise or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as a master. ^{Other employment}

(3) A master, with the previous consent of the Attorney General, may act as arbitrator or conciliator. ^{Idem}

(4) *The Public Authorities Protection Act* applies to masters in the same manner and to the same extent as it applies to justices of the peace, without limiting any other defences available to masters under the law in respect of acts done in the execution of their duties. ^{Application of R.S.O. 1970, c. 374}

99d.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such local masters as are considered necessary. ^{Local masters}

(2) Where a master or local master is not appointed in respect of a county, the county court judge is and shall perform the duties and exercise the powers of local master. ^{Idem}

Idem	(3) In the absence or inability to act of a local master appointed under subsection 1, the county court judge may perform the duties and exercise the powers of the local master.
s. 106 (1) (c), amended	5. —(1) Clause <i>c</i> of subsection 1 of section 106 of the said Act is amended by inserting after “officers” in the first line “other than masters”.
s. 106 (2), amended	(2) Subsection 2 of the said section 106 is amended by inserting after “officer” in the second line “other than a master”.
s. 114 (1) (e), re-enacted	6. —(1) Clause <i>e</i> of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor: (<i>e</i>) the Senior Master.
s. 114 (10) (<i>f</i>), amended	(2) Clause <i>f</i> of subsection 10 of the said section 114 is amended by striking out “Master of the Supreme Court, or any officer sitting for him” in the first and second lines and inserting in lieu thereof “masters”.
s. 118 (3), amended	7. Subsection 3 of section 118 of the said Act is amended by adding at the end thereof “and where a claim for alimony or for the maintenance or custody of children is joined with a petition for divorce, the local judges of the High Court have the same jurisdiction and authorities to deal with such claim as may be exercised by the Supreme Court or a judge thereof”.
Commence- ment	8. —(1) This Act, except section 7, comes into force on a day to be named by proclamation of the Lieutenant Governor.
Idem	(2) Section 7 shall be deemed to have come into force on the 1st day of July, 1971.
Short title	9. This Act may be cited as <i>The Judicature Amendment Act, 1975</i> .

SECTION 5. The provision amended sets out the duties of the Inspector of Legal Offices and the amendment deletes inquiry into the conduct of masters from these duties. The amendment is complementary to section 4 of this Bill.

SECTION 6. Complementary to section 1 of this Bill.

SECTION 7. Section 118 (3) of the Act gives local judges jurisdiction to try divorce cases. The amendment confirms that the judge may dispose of a concurrent claim for alimony, maintenance or custody even though the divorce is not granted. The amendment is retroactive to the 1st day of July, 1971 when the jurisdiction was first given to local judges by amendment to *The Judicature Act*.

An Act to amend
The Judicature Act

1st Reading

May 22nd, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(*Government Bill*)

CA20N

XB

-B56

BILL 79

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Judicature Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (m),
re-enacted

(m) “master” means a Master of the Supreme Court and includes the Senior Master.
2. Subsection 3 of section 85 of the said Act is repealed. s. 85 (3),
repealed
3. Subsection 1 of section 97 of the said Act is amended by striking out “the Master of the Supreme Court” in the first and second lines and inserting in lieu thereof “masters”. s. 97 (1),
amended
4. Sections 98 and 99 of the said Act are repealed and the following substituted therefor: ss. 98, 99,
re-enacted

MASTERS

98.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such Masters of the Supreme Court as are considered necessary. Appointment
of masters

(2) A master may be removed from office before attaining retirement age only for misbehaviour or for inability to perform his duties properly and only if, Removal
for cause

- (a) the circumstances respecting the misbehaviour or inability are first inquired into; and
- (b) the master is given reasonable notice of the time and place for the inquiry and is afforded an opportunity, by himself or his counsel, of being

heard and of cross-examining the witnesses and of producing evidence on his own behalf.

Inquiry	(3) For the purpose of making an inquiry under subsection 2, the Lieutenant Governor in Council may appoint one or more judges of the Supreme Court who shall make the inquiry and report thereon, and a judge so appointed has, for that purpose, the powers of a commission under Part II of <i>The Public Inquiries Act, 1971</i> , which Part applies to such inquiry as if it were an inquiry under that Act.
1971, c. 49	
Order for removal	(4) An order removing a master from office under this section may be made by the Lieutenant Governor in Council and the order and the report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.
Retirement	99.—(1) Every master shall retire upon attaining the age of sixty-five years.
Idem	(2) Notwithstanding subsection 1, a master appointed before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years.
Reappointment	(3) Upon attaining an age for retirement under subsection 1 or 2, a master may be reappointed to hold office during pleasure but shall not hold office after attaining the age of seventy-five years.
Resignation	(4) A master may at any time resign his office in writing, signed by him and delivered to the Attorney General.
Duties of Judicial Council for Provincial Judges R.S.O. 1970, c. 369	99a. The Judicial Council for Provincial Judges established under <i>The Provincial Courts Act</i> has the same powers and shall perform the same duties in respect of the appointment of and investigation of complaints against masters as it has or may perform in respect of provincial judges.
Senior Master	99b.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a master as Senior Master.
Temporary appointments	(2) The Attorney General may designate masters to act in the place of the Senior Master for all purposes during his illness or absence.
Duties	(3) The Senior Master shall have general supervision and direction over the administration of the offices of the masters

and arranging and assigning masters for hearings as circumstances require.

99c.—(1) The Lieutenant Governor in Council may make regulations, Remuneration, etc.

- (a) fixing the remuneration of masters;
- (b) providing for the benefits to which masters are entitled, including,
 - (i) leave of absence and vacations,
 - (ii) sick leave credits and payments in respect of such credits,
 - (iii) pension benefits for masters and their widows and surviving children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as masters under this Act were entitled under *The Public Service Act* or *The Public Service Superannuation Act* at the time of their appointment under this Act. R.S.O. 1970, cc. 386, 387

(2) Subject to subsection 3, unless authorized by the Lieutenant Governor in Council, a master shall not practise or actively engage in any business, trade or occupation but shall devote his whole time to the performance of his duties as a master. Other employment

(3) A master, with the previous consent of the Attorney General, may act as arbitrator or conciliator. Idem

(4) *The Public Authorities Protection Act* applies to masters in the same manner and to the same extent as it applies to justices of the peace, without limiting any other defences available to masters under the law in respect of acts done in the execution of their duties. Application of R.S.O. 1970, c. 374

99d.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such local masters as are considered necessary. Local masters

(2) Where a master or local master is not appointed in respect of a county, the county court judge is and shall perform the duties and exercise the powers of local master. Idem

Idem	(3) In the absence or inability to act of a local master appointed under subsection 1, the county court judge may perform the duties and exercise the powers of the local master.
s. 106 (1) (c), amended	5. —(1) Clause <i>c</i> of subsection 1 of section 106 of the said Act is amended by inserting after “officers” in the first line “other than masters”.
s. 106 (2), amended	(2) Subsection 2 of the said section 106 is amended by inserting after “officer” in the second line “other than a master”.
s. 114 (1) (e), re-enacted	6. —(1) Clause <i>e</i> of subsection 1 of section 114 of the said Act is repealed and the following substituted therefor: (<i>e</i>) the Senior Master.
s. 114 (10) (f), amended	(2) Clause <i>f</i> of subsection 10 of the said section 114 is amended by striking out “Master of the Supreme Court, or any officer sitting for him” in the first and second lines and inserting in lieu thereof “masters”.
s. 118 (3), amended	7. Subsection 3 of section 118 of the said Act is amended by adding at the end thereof “and where a claim for alimony or for the maintenance or custody of children is joined with a petition for divorce, the local judges of the High Court have the same jurisdiction and authorities to deal with such claim as may be exercised by the Supreme Court or a judge thereof”.
Commence- ment	8. —(1) This Act, except section 7, comes into force on a day to be named by proclamation of the Lieutenant Governor.
Idem	(2) Section 7 shall be deemed to have come into force on the 1st day of July, 1971.
Short title	9. This Act may be cited as <i>The Judicature Amendment Act, 1975</i> .

An Act to amend
The Judicature Act

1st Reading

May 22nd, 1975

2nd Reading

May 27th, 1975

3rd Reading

May 27th, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N

XB

-B 56

BILL 80

Government
Publications

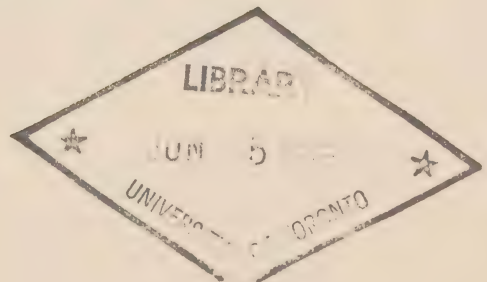
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to enable the establishment
of a Project for the better Administration
of Courts in the Region of Central West**

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide a vehicle for developing administrative methods and services for the courts in a selected region in the light of the Ontario Law Reform Commission's Report on Administration of Ontario Courts, before applying the reforms to the whole of Ontario.

The selected region comprises the counties of Brant, Dufferin and Wellington and the regional municipalities of Haldimand-Norfolk, Halton, Hamilton-Wentworth, Niagara and Waterloo.

BILL 80

1975

**An Act to enable the establishment
of a Project for the better Administration
of Courts in the Region of Central West**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Committee" means the Attorney General's Advisory Committee, Central West established under section 3;
- (b) "courts" means the Supreme Court, county courts, provincial courts, small claims courts and other courts of record;
- (c) "project" means the developmental project referred to in section 2;
- (d) "Region" means the Region of Central West, composed of the counties of Brant, Dufferin and Wellington and the judicial districts of Haldimand, Norfolk, Halton, Hamilton-Wentworth, Niagara North, Niagara South and Waterloo.

2. The purpose of this Act is to enable the establishment of a developmental project in the Region for the central co-ordination of the administrative facilities and services of the courts in the Region and for the better operation of the said courts, subject to the traditional independence of judges respecting matters bearing directly on the adjudication of matters coming before them.

Purpose of
Act

3.—(1) There shall be an advisory committee to be known as the Attorney General's Advisory Committee, Central West composed of seven persons of whom one shall be the Chief Justice of Ontario, or his nominee, one shall

Attorney
General's
Advisory
Committee,
Central West

be the Chief Judge of the County and District Courts, or his nominee, one shall be the chief judge of the Provincial Courts (Family Division), or his nominee, one shall be the chief judge of the Provincial Courts (Criminal Division), or his nominee, two shall be members of the Law Society of Upper Canada engaged in active practice in the Region who shall be appointed by the Attorney General, and one shall be the Deputy Attorney General who shall be chairman.

Vice-
chairman

(2) The Deputy Attorney General may designate a member of the Committee who shall act as chairman during the absence of the Deputy Attorney General.

Duties

(3) The Advisory Committee shall advise and make recommendations to the Attorney General on any matter concerning the project and its implementation or operation that the Advisory Committee considers advisable or that is referred to it by the Attorney General.

Regulations

4.—(1) The Lieutenant Governor in Council, on the recommendation of the Advisory Committee, may make such regulations as are considered necessary and desirable for the establishment and operation of the project and, without restricting the generality of the foregoing may, for such purpose, make regulations,

- (a) providing for the sittings of courts in the Region;
- (b) providing for the taxation in the Region of such costs as are otherwise by law required to be taxed by a taxing officer at Toronto;
- (c) providing for holidays and vacations in respect of court business different from those otherwise fixed by law;
- (d) governing the establishment and maintenance of lists of cases to be tried and the bringing on for trial of cases on the list;
- (e) providing for the appointment of one or more persons as directors of court administration in the Region and assigning powers and duties to the director of court administration, for the purposes of the project including, but without restricting the generality of the foregoing,
 - (i) the power to authorize and direct stenographic reporters, court reporters and special examiners of courts in the Region to perform

their duties in any part of the Region as the director directs,

- (ii) the power to assign accommodation for the holding of trials and other hearings of courts in the Region at any place in the Region,
- (iii) the duty of consultation and co-operation with the Chief Justice, chief judges and judges in the conduct of the business of the court and providing for the procedures to be followed for the purposes of consultation and co-operation.

(2) Any regulation made under subsection 1 may be ^{Idem} general or particular in its application.

(3) Where a regulation made under subsection 1 is in ^{Conflict} conflict with a provision of any other Act or of the rules of any court, the regulation shall prevail.

5. This Act is repealed on the 31st day of July, 1977. ^{Repeal}

6. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

7. This Act may be cited as *The Administration of Courts* ^{Short title} *Project Act, 1975.*

An Act to enable the establishment of a
Project for the better Administration of
Courts in the Region of Central West

1st Reading

May 22nd, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

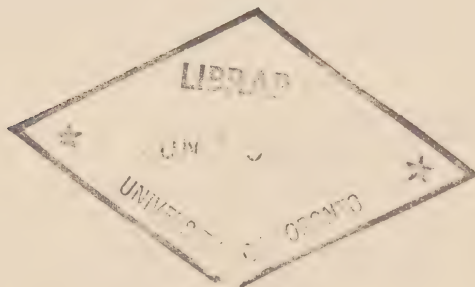
(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to enable the establishment
of a Project for the better Administration
of Courts in the Region of Central West**

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 80

1975

**An Act to enable the establishment
of a Project for the better Administration
of Courts in the Region of Central West**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Committee" means the Attorney General's Advisory Committee, Central West established under section 3;
- (b) "courts" means the Supreme Court, county courts, provincial courts, small claims courts and other courts of record;
- (c) "project" means the developmental project referred to in section 2;
- (d) "Region" means the Region of Central West, composed of the counties of Brant, Dufferin and Wellington and the judicial districts of Haldimand, Norfolk, Halton, Hamilton-Wentworth, Niagara North, Niagara South and Waterloo.

2. The purpose of this Act is to enable the establishment of a developmental project in the Region for the central co-ordination of the administrative facilities and services of the courts in the Region and for the better operation of the said courts, subject to the traditional independence of judges respecting matters bearing directly on the adjudication of matters coming before them.

Purpose of
Act

3.—(1) There shall be an advisory committee to be known as the Attorney General's Advisory Committee, Central West composed of seven persons of whom one shall be the Chief Justice of Ontario, or his nominee, one shall

Attorney
General's
Advisory
Committee,
Central West

An Act to enable the establishment of a
Project for the better Administration of
Courts in the Region of Central West

1st Reading

May 22nd, 1975

2nd Reading

May 29th, 1975

3rd Reading

May 29th, 1975

THE HON. J. T. CLEMENT
Attorney General

CAZON

XB

-B 56

BILL 81

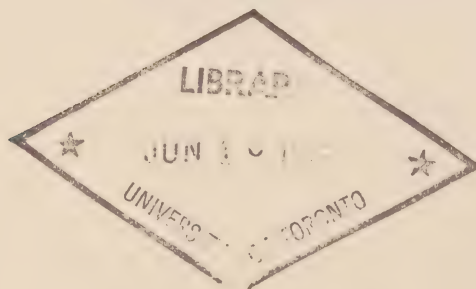
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly.

**An Act to erect the Town of Thorold
into a City Municipality**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for the erecting of the Town of Thorold into a city municipality on the 1st day of July, 1975, and for matters consequent thereon.

BILL 81

1975

An Act to erect the Town of Thorold into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the 1st day of July, 1975, The Corporation of the Town of Thorold is erected into a city municipality bearing the name of The Corporation of the City of Thorold. Town of Thorold erected into city municipality
2. Sections 17, 19 and 22 of *The Municipal Act* apply *mutatis mutandis* in respect of the erecting of the Town of Thorold into a city municipality. Application of R.S.O. 1970, c. 284, ss. 17, 19, 22
3. A reference in any general or special Act to The Corporation of the Town of Thorold or to the Town of Thorold shall be deemed to be a reference to The Corporation of the City of Thorold and to the City of Thorold, respectively. References in other Acts
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The City of Thorold Act, 1975*. Short title

An Act to erect
the Town of Thorold into a
City Municipality

1st Reading

May 23rd, 1975

2nd Reading

3rd Reading

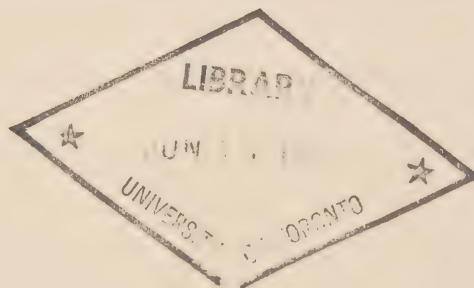
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to erect the Town of Thorold
into a City Municipality**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 81

1975

An Act to erect the Town of Thorold into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the 1st day of July, 1975, The Corporation of ^{Town of Thorold} the Town of Thorold is erected into a city municipality ^{erected into city municipality} bearing the name of The Corporation of the City of Thorold.
2. Sections 17, 19 and 22 of *The Municipal Act* apply ^{Application of} *mutatis mutandis* in respect of the erecting of the Town of Thorold into a city municipality. ^{R.S.O. 1970, c. 284, ss. 17, 19, 22}
3. A reference in any general or special Act to The ^{References in other Acts} Corporation of the Town of Thorold or to the Town of Thorold shall be deemed to be a reference to The Corporation of the City of Thorold and to the City of Thorold, respectively.
4. This Act comes into force on the day it receives Royal ^{Commence-ment} Assent.
5. This Act may be cited as *The City of Thorold Act, 1975*. ^{Short title}

An Act to erect
the Town of Thorold into a
City Municipality

1st Reading

May 23rd, 1975

2nd Reading

May 27th, 1975

3rd Reading

May 27th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

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-B 56

Government
Publications

BILL 82

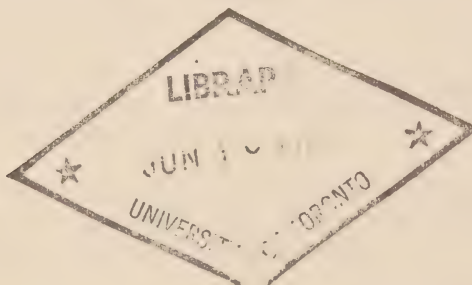
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Ontario Human Rights Code

MR. BOUNSALL



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prevent discrimination in employment on the basis of a physical disability, criminal record or political affiliation.

BILL 82

1975

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 4 of *The Ontario Human Rights Code*, being chapter 318 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after “status” in the twenty-second line “a physical disability, criminal record or political affiliation”. s. 4 (1),
amended
- (2) Subsection 2 of the said section 4 is amended by inserting after “status” in the fifth line “a physical disability, criminal record or political affiliation”. s. 4 (2),
amended
- (3) Subsection 3 of the said section 4 is amended by inserting after “status” in the ninth line “a physical disability, criminal record or political affiliation”. s. 4 (3),
amended
- (4) Subsection 5 of the said section 4 is amended by inserting after “status” in the third line “a physical disability, criminal record or political affiliation”. s. 4 (5),
amended
- (5) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection: s. 4,
amended
 - (6a) The provisions of this section do not apply where the nature or extent of the physical disability would reasonably preclude the performance of the particular employment. Application
of section
- 2.—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after “status” in the fourth line “a physical disability, criminal record or political affiliation”. s. 4a (1),
amended

s. 4a (2),
amended

(2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical disability, criminal record or political affiliation".

s. 6a,
amended

3. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical disabilities, criminal record or political affiliations".

s. 9 (a, c),
amended

4. Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical disabilities, criminal record or political affiliations".

s. 19,
amended

5. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause:

(ba) "criminal record" means a record of a conviction under the *Criminal Code* (Canada).

R.S.C. 1970,
c. C-34

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1975*.

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The subsections being repealed provide for the valuation of all provincial property in a municipality by the Ministry of Treasury, Economics and Intergovernmental Affairs; this function is now carried out by the Ministry of Revenue under *The Assessment Act*.

Subsection 2. The effect of the amendment is to make eligible for a payment under the Act, property held for the purpose of a housing project.

SECTION 2. Complementary to subsection 1 of section 1 of the Bill in relation to appeals in respect of the valuation of provincial property by the Ministry of Treasury, Economics and Intergovernmental Affairs.

SECTION 3.—Subsections 1 and 2. Complementary to subsection 1 of section 1 of the Bill by deleting the reference to the value determined under the Act for the purpose of calculating the amount of payments that may be made.

Subsection 3. The amendments are to make it clear that the charges and taxes specified may be paid in respect of provincial property.

An Act to amend The Municipal Tax Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1, 2, 3, 4 and 5 of section 3 of *The Municipal Tax Assistance Act*, being chapter 292 of the Revised Statutes of Ontario, 1970, are repealed. s. 3 (1-5),
repealed
- (2) Subsection 6 of the said section 3 is amended by striking out “or acquired or held for the purpose of a housing project” in the ninth and tenth lines. s. 3 (6),
amended
2. Section 4 of the said Act is repealed. s. 4,
repealed
- 3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “based on the value determined for such provincial property in the preceding year under this Act, would produce” in the seventh and eighth lines and inserting in lieu thereof “would produce on the value of such provincial property”. s. 5 (1),
amended
- (2) Subsection 2 of the said section 5 is amended by striking out “based on the value determined for such provincial property in the preceding year under this Act, would produce” in the sixth, seventh and eighth lines and inserting in lieu thereof “would produce on the value of such provincial property”. s. 5 (2),
amended
- (3) The said section 5 is amended by adding thereto the following subsections: s. 5,
amended
 - (6) The Crown in right of Ontario or any Crown agency may, in respect of any provincial property, pay charges imposed under section 362 of *The Municipal Act*. Sewer and
waterworks
rates
R.S.O. 1970,
c. 284
 - (7) The Crown in right of Ontario or any Crown agency may, in respect of any provincial property, pay charges Garbage
rates

R.S.O. 1970, c. 284	imposed under paragraph 78 of subsection 1 of section 354 of <i>The Municipal Act</i> .
Telephone and telegraph company taxes	(8) A Crown agency that operates a telephone and telegraph system may, in respect of the system, pay the tax levied under section 304a of <i>The Municipal Act</i> .
s. 5a, enacted	4. The said Act is amended by adding thereto the following section:
Payment by Ministry	5a. Notwithstanding subsections 1 and 2 of section 5, the Ministry may make a payment under this Act on behalf of another ministry or a Crown agency and such payment may be recovered by the Ministry from the ministry or Crown agency on whose behalf such payment was made.
Commence- ment	5. This Act comes into force on the day it receives Royal Assent.
Short title	6. This Act may be cited as <i>The Municipal Tax Assistance Amendment Act, 1975</i> .

SECTION 4. Authority is conferred on the Ministry of Treasury, Economics and Intergovernmental Affairs to make payments on behalf of other ministries or on behalf of Crown agencies and to recover the moneys so paid on their behalf.

An Act to amend
The Municipal Tax Assistance Act

1st Reading

May 27th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Municipal Tax Assistance Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



An Act to amend The Municipal Tax Assistance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1, 2, 3, 4 and 5 of section 3 of *The Municipal Tax Assistance Act*, being chapter 292 of the Revised Statutes of Ontario, 1970, are repealed. s. 3 (1-5),
repealed
- (2) Subsection 6 of the said section 3 is amended by striking out “or acquired or held for the purpose of a housing project” in the ninth and tenth lines. s. 3 (6),
amended
2. Section 4 of the said Act is repealed. s. 4,
repealed
- 3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out “based on the value determined for such provincial property in the preceding year under this Act, would produce” in the seventh and eighth lines and inserting in lieu thereof “would produce on the value of such provincial property”. s. 5 (1),
amended
- (2) Subsection 2 of the said section 5 is amended by striking out “based on the value determined for such provincial property in the preceding year under this Act, would produce” in the sixth, seventh and eighth lines and inserting in lieu thereof “would produce on the value of such provincial property”. s. 5 (2),
amended
- (3) The said section 5 is amended by adding thereto the following subsections: s. 5,
amended
 - (6) The Crown in right of Ontario or any Crown agency may, in respect of any provincial property, pay charges imposed under section 362 of *The Municipal Act*. Sewer and
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 - (7) The Crown in right of Ontario or any Crown agency may, in respect of any provincial property, pay charges Garbage
rates

R.S.O. 1970, c. 284	imposed under paragraph 78 of subsection 1 of section 354 of <i>The Municipal Act</i> .
Telephone and telegraph company taxes	(8) A Crown agency that operates a telephone and telegraph system may, in respect of the system, pay the tax levied under section 304a of <i>The Municipal Act</i> .
s. 5a, enacted	4. The said Act is amended by adding thereto the following section:
Payment by Ministry	5a. Notwithstanding subsections 1 and 2 of section 5, the Ministry may make a payment under this Act on behalf of another ministry or a Crown agency and such payment may be recovered by the Ministry from the ministry or Crown agency on whose behalf such payment was made.
Commence- ment	5. This Act comes into force on the day it receives Royal Assent.
Short title	6. This Act may be cited as <i>The Municipal Tax Assistance Amendment Act, 1975</i> .

An Act to amend
The Municipal Tax Assistance Act

1st Reading

May 27th, 1975

2nd Reading

June 5th, 1975

3rd Reading

June 5th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

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-B 56

BILL 84

Publications

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Ontario Municipal Employees Retirement System Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The subsection being repealed requires the approval of the Ministry to a by-law or resolution, under which an employer has elected to participate in the System, being amended or repealed.

BILL 84

1975

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 2 of section 14 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed. s. 14 (2),
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1975*. Short title

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

May 27th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Ontario Municipal Employees Retirement System Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 84

1975

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Subsection 2 of section 14 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, is repealed. s. 14 (2).
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1975*. Short title

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

May 27th, 1975

2nd Reading

June 5th, 1975

3rd Reading

June 5th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Municipal Elderly Resident's Assistance Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The words added are included in the definition of “owner” and are designed to make it clear that owners of condominium property are eligible to receive a tax credit under the Act.

Subsection 2. One of the conditions for eligibility for a tax credit is that the owner occupy the property as his personal residence; the amendment defines that expression.

SECTION 2. Provision is made for the continuation of a tax credit to a surviving spouse who would otherwise qualify except for the minimum period of being shown as the assessed owner.

BILL 85

1975

**An Act to amend
The Municipal Elderly Resident's
Assistance Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Municipal Elderly Resident's Assistance Act, 1973*, being chapter 154, is amended by adding at the end thereof “and includes an owner within the meaning of *The Condominium Act*”. s. 1 (b),
amended

(2) The said section 1 is amended by adding thereto the s. 1,
amended following clause:

(c) “personal residence” means the residence ordinarily inhabited by the owner.

2. Section 2 of the said Act is amended by adding thereto the s. 2,
amended following subsection:

(3) A by-law passed by the council of a municipality under this Act may provide for the continuation of such tax credits to the surviving spouse of a deceased person to whom a tax credit was allowed, if such spouse otherwise qualifies for such credit except for the provisions of clause *c* of subsection 1. Continuation
of tax credit
to surviving
spouse

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Municipal Elderly Resident's Assistance Amendment Act, 1975*. Short title

An Act to amend
The Municipal Elderly Resident's
Assistance Act, 1973

1st Reading

May 27th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

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BILL 85

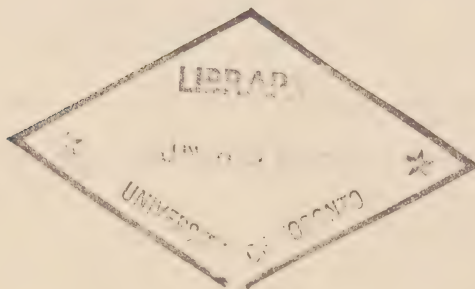
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

**An Act to amend
The Municipal Elderly Resident's Assistance Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 85

1975

**An Act to amend
The Municipal Elderly Resident's
Assistance Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *b* of section 1 of *The Municipal Elderly Resident's Assistance Act, 1973*, being chapter 154, is amended by adding at the end thereof "and includes an owner within the meaning of *The Condominium Act*". s. 1 (b),
amended
- (2) The said section 1 is amended by adding thereto the s. 1,
amended following clause:
 - (c) "personal residence" means the residence ordinarily inhabited by the owner.
2. Section 2 of the said Act is amended by adding thereto the s. 2,
amended following subsection:
 - (3) A by-law passed by the council of a municipality under this Act may provide for the continuation of such tax credits to the surviving spouse of a deceased person to whom a tax credit was allowed, if such spouse otherwise qualifies for such credit except for the provisions of clause *c* of subsection 1. Continuation
of tax credit
to surviving
spouse
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Municipal Elderly Resident's Assistance Amendment Act, 1975*. Short title

An Act to amend
The Municipal Elderly Resident's
Assistance Act, 1973

1st Reading

May 27th, 1975

2nd Reading

June 5th, 1975

3rd Reading

June 5th, 1975

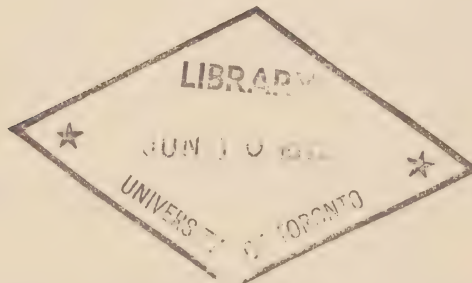
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to provide for an Ombudsman to investigate
Administrative Decisions and Acts of Officials of the
Government of Ontario and its Agencies

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for an Ombudsman to investigate administrative decisions and acts of officials of the Government of Ontario and its agencies.

The provisions of the Bill are self-explanatory.

BILL 86

1975

**An Act to provide for an Ombudsman to
investigate Administrative Decisions and Acts
of Officials of the Government of Ontario and
its Agencies**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "governmental organization" means a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof;

(b) "minister" means a member of the Executive Council.

2. There shall be appointed, as an officer of the Legis- Ombudsman
lature, an Ombudsman to exercise the powers and perform
the duties prescribed by this Act.

3. The Ombudsman shall be appointed by the Lieutenant Appoint-
Governor in Council on the address of the Assembly. ment

4.—(1) Subject to this Act, the Ombudsman shall hold Tenure of
office for a term of ten years, but is removable at any time office and
for cause by the Lieutenant Governor on the address of the removal
Assembly.

(2) The Ombudsman may be reappointed for a further Reappoint-
term or terms but shall retire upon attaining the age of ment
sixty-five years. and
retirement

5.—(1) The Ombudsman shall devote himself exclusively Nature of
to the duties of his office and shall not hold any other office employment
under the Crown or engage in any other employment.

(2) *The Public Service Act* and *The Public Service Super- Idem
annuation Act* do not apply to the Ombudsman. R.S.O. 1970,
cc. 386, 387

- Salary **6.**—(1) The Ombudsman shall be paid a salary to be fixed by the Lieutenant Governor in Council.
- Idem (2) The salary of the Ombudsman shall not be reduced except on address of the Assembly.
- Expenses (3) The Ombudsman is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the exercise of his functions under this Act.
- Pension
1973, c. 152 (4) Part II of *The Legislative Assembly Retirement Allowances Act, 1973*, except sections 15 and 16, subsection 5 of section 18 and clause *a* of subsection 2 of section 19, applies, *mutatis mutandis*, to the Ombudsman in the same manner as if he were a member of the Legislative Assembly and for the purpose,
- (a) “average annual remuneration” means the average annual salary of the Ombudsman during any five years of his service, which years need not be consecutive, during which his salary was highest; and
- (b) “remuneration” means the salary of the Ombudsman.
- Temporary
Ombudsman **7.** In the event of the death or resignation of the Ombudsman while the Legislature is not in session or if he is unable or neglects to perform the functions of his office, the Lieutenant Governor in Council may appoint a temporary Ombudsman, to hold office for a term of not more than six months, who shall, while in such office, have the powers and duties and perform the functions of the Ombudsman and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.
- Staff **8.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Ombudsman may employ such officers and other employees as the Ombudsman considers necessary for the efficient operation of his office and may determine their salary and remuneration and terms and conditions of employment.
- Benefits (2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,
- (a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

(b) plans for group life insurance, medical-surgical insurance or long-term income protection; and

(c) the granting of leave of absence,

apply to the permanent and full-time employees of the Ombudsman and where such benefits are provided for in regulations made under *The Public Service Act*, the Ombudsman, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970,
c. 386

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Ombudsman as though the Ombudsman were a commission designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees' superannuation benefits
R.S.O. 1970,
c. 387

9. The Ombudsman may lease such premises and acquire such equipment and supplies as are necessary for the efficient operation of his office.

Premises and supplies

10. The salary of the Ombudsman and the expenses required for the operation of his office are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Salary and expenses

11. The accounts and financial transactions of the office of the Ombudsman shall be audited annually by the Provincial Auditor.

Audit

12. The Ombudsman shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual report

13.—(1) Before commencing the duties of his office, the Ombudsman shall take an oath, to be administered by the Speaker of the Assembly, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with subsection 2, disclose any information received by him as Ombudsman.

Oath of office and secrecy

(2) The Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Disclosure

Application
of Act

14. This Act does not apply,

- (a) to judges or to the functions of any court; or
- (b) to deliberations and proceedings of the Executive Council or any committee thereof.

Function of
Ombudsman

15.—(1) The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity.

Investiga-
tion on
complaint
or other-
wise

(2) The Ombudsman may make any such investigation either on a complaint made to him by any person affected or of his own motion.

Powers
paramount

(3) The powers conferred on the Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Decisions
not
reviewable

(4) Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired;
- (b) of any person acting as legal adviser to the Crown or acting as counsel to the Crown in relation to any proceedings.

Application
to S.C.O. to
determine
jurisdiction

(5) If any question arises whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guidance
rules

16.—(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act.

(2) All rules made under this section shall be deemed to be regulations within the meaning of *The Regulations Act*. Idem
R.S.O. 1970,
c. 410

(3) Subject to this Act and any rules made under this section, the Ombudsman may determine his procedures. Procedures

17.—(1) Every complaint to the Ombudsman shall be made in writing. Mode of
complaint

(2) Notwithstanding any provision in any Act, where any letter written by an inmate of any provincial correctional institution or a patient in a provincial psychiatric facility is addressed to the Ombudsman it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution or facility. To be
forwarded

18.—(1) If, in the course of the investigation of any complaint within his jurisdiction, it appears to the Ombudsman, Ombudsman
may
refuse to
investigate
complaint

(a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it; or

(b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Ombudsman by this Act, the Ombudsman may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Ombudsman, or, if in his opinion, Idem

(a) the subject-matter of the complaint is trivial;

(b) the complaint is frivolous or vexatious or is not made in good faith; or

(c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Ombudsman decides not to investigate or further investigate a complaint he shall inform the complainant of that decision, and may if he thinks fit state his reasons therefor. Complainant
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of
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19.—(1) Before investigating any matter, the Ombudsman shall inform the head of the governmental organization affected of his intention to make the investigation.

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in private

(2) Every investigation by the Ombudsman under this Act shall be conducted in private.

Where
hearing
necessary

(3) The Ombudsman may hear or obtain information from such persons as he thinks fit, and may make such inquiries as he thinks fit and it is not necessary for the Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Ombudsman, but, if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any governmental organization or person, he shall give to that organization or person an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

May
consult
minister

(4) The Ombudsman may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

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consult
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(5) On the request of any minister in relation to any investigation, or in any case where any investigation relates to any recommendation made to a minister, the Ombudsman shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 22.

Breach of
duty or
misconduct

(6) If, during or after an investigation, the Ombudsman is of opinion that there is evidence of a breach of duty or of misconduct on the part of any officer or employee of any governmental organization, he may refer the matter to the appropriate authority.

Evidence

20.—(1) The Ombudsman may from time to time require any officer, employee or member of any governmental organization who in his opinion is able to give any information relating to any matter that is being investigated by the Ombudsman to furnish to him any such information, and to produce any documents or things which in the Ombudsman's opinion relate to any such matter and which may be in the possession or under the control of that person.

Examina-
tion under
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(2) The Ombudsman may summon before him and examine on oath,

(a) any complainant;

- (b) any person who is an officer or employee or member of any governmental organization and who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1; or
- (c) any other person who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by ^{Secrecy} the provisions of any Act, other than *The Public Service Act*, ^{R.S.O. 1970, c. 386} to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) With the previous consent in writing of any com- ^{Idem}plainant, any person to whom subsection 3 applies may be required by the Ombudsman to supply information or answer any question or produce any document or thing relating only to the complainant, and it is the duty of the person to comply with that requirement.

(5) Every person has the same privileges in relation to the ^{Privileges} giving of information, the answering of questions, and the production of documents and things as witnesses have in any court.

(6) Except on the trial of any person for perjury in respect ^{Protection} of his sworn testimony, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

(7) No person is liable to prosecution for an offence against ^{Prosecution} any Act, other than this Act, by reason of his compliance with any requirement of the Ombudsman under this section.

(8) Where any person is required by the Ombudsman to ^{Fees} attend before him for the purposes of this section, the person is entitled to the same fees, allowances, and expenses as if he were a witness in the Supreme Court, and the provisions of any Act, regulation or rule in that behalf apply accordingly.

Disclosure
of certain
matters not
to be
required

21.—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing,

- (a) might interfere with or impede investigation or detection of offences;
- (b) might involve the disclosure of the deliberations of the Executive Council; or
- (c) might involve the disclosure of proceedings of the Executive Council or of any committee of the Executive Council, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or thing to be produced.

Idem

(2) Subject to subsection 1, the rule of law which authorizes or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Procedure
after
investiga-
tion

22.—(1) This section applies in every case where, after making an investigation under this Act, the Ombudsman is of opinion that the decision, recommendation, act or omission which was the subject-matter of the investigation,

- (a) appears to have been contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was based wholly or partly on a mistake of law or fact; or
- (d) was wrong.

Idem

(2) This section also applies in any case where the Ombudsman is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account

of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Ombudsman is of opinion, Ombudsman's
report and
recom-
mendations

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision;
or
- (g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons therefor, to the appropriate governmental organization, and may make such recommendations as he thinks fit and he may request the governmental organization to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations and the Ombudsman shall also send a copy of his report and recommendations to the minister concerned.

(4) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of any governmental organization affected, may send a copy of the report and recommendations to the Premier, and may thereafter make such report to the Assembly on the matter as he thinks fit. Where no
appropriate
action
taken

(5) The Ombudsman shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the governmental organization affected. Idem

23.—(1) Where, on any investigation following a complaint, the Ombudsman makes a recommendation under subsection 3 of section 22, and no action which seems to the Ombudsman to be adequate and appropriate is taken thereon Complainant
to be
informed
of result
of investiga-
tion

within a reasonable time, the Ombudsman shall inform the complainant of his recommendation, and may make such comments on the matter as he thinks fit.

Idem

(2) The Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Proceedings
not to be
questioned
or to be
subject to
review

24. No proceeding of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

25.—(1) No proceedings lie against the Ombudsman, or against any person holding any office or appointment under the Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Idem

(2) The Ombudsman, and any such person as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Idem

(3) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Power of
entry of
premises

26.—(1) For the purposes of this Act, the Ombudsman may at any time enter upon any premises occupied by any governmental organization and inspect the premises and carry out therein any investigation within his jurisdiction.

Notice of
entry

(2) Before entering any premises under subsection 1, the Ombudsman shall notify the head of the governmental organization occupying the premises of his purpose.

Notice to
desist

(3) The Attorney General may by notice to the Ombudsman exclude the application of subsection 1 to any specified premises or class of premises if he is satisfied that the exercise of the powers mentioned in subsection 1 might be prejudicial to the public interest.

Delegation
of powers

27.—(1) The Ombudsman may in writing delegate to any person holding any office under him any of his powers

under this Act except the power of delegation under this section and the power to make a report under this Act.

(2) Every delegation under this section is revocable at will and no such delegation prevents the exercise by the Ombudsman of any power so delegated. Delegation is revocable

(3) Every such delegation may be made subject to such restrictions and conditions as the Ombudsman thinks fit. Restrictions and conditions

(4) In the event that the Ombudsman by whom any such delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Ombudsman. Continuing effect of delegation

(5) Any person purporting to exercise any power of the Ombudsman by virtue of a delegation under this section shall, when required so to do, produce evidence of his authority to exercise the power. Evidence of obligation

28. Every person who,

Offences and penalties

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the performance of his functions under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both.

29. The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure. Rights under Act do not affect other rights, etc.

Commence-
ment

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. This Act may be cited as *The Ombudsman Act, 1975*.

BILL 86

An Act to provide for an Ombudsman
to investigate Administrative Decisions
and Acts of Officials of the Government
of Ontario and its Agencies

1st Reading

May 27th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(Government Bill)

B 56

BILL 86

Government
Publications
Government Bill

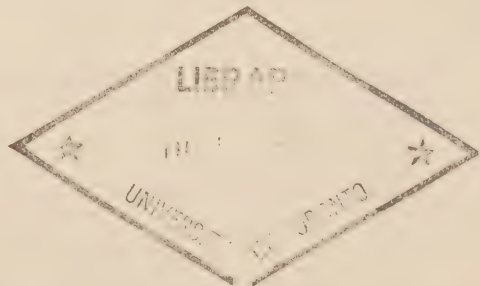
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to provide for an Ombudsman to investigate
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Ontario. *Legislative Assembly*

THE HON. J. T. CLEMENT
Attorney General

(Reprinted as amended by the Committee of the Whole House)



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill provides for an Ombudsman to investigate administrative decisions and acts of officials of the Government of Ontario and its agencies.

The provisions of the Bill are self-explanatory.

BILL 86

1975

An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pre-
ta-
tion

- (a) "governmental organization" means a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof;
- (b) "minister" means a member of the Executive Council.

2. There shall be appointed, as an officer of the Legislature, an Ombudsman to exercise the powers and perform the duties prescribed by this Act. Ombudsman

3. The Ombudsman shall be appointed by the Lieutenant Governor in Council on the address of the Assembly. Appoint-
ment

4.—(1) Subject to this Act, the Ombudsman shall hold office for a term of ten years, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly. Tenure of
office and
removal

(2) The Ombudsman may be reappointed for a further term or terms but shall retire upon attaining the age of sixty-five years. Reappoint-
ment
and
retirement

5.—(1) The Ombudsman shall devote himself exclusively to the duties of his office and shall not hold any other office under the Crown or engage in any other employment. Nature of
employment

(2) *The Public Service Act* and *The Public Service Superannuation Act* do not apply to the Ombudsman. Idem
R.S.O. 1970,
cc. 386, 387

Salary **6.—**(1) The Ombudsman shall be paid a salary to be fixed by the Lieutenant Governor in Council.

Idem (2) The salary of the Ombudsman shall not be reduced except on address of the Assembly.

Expenses (3) The Ombudsman is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the exercise of his functions under this Act.

Pension
1973, c. 152 (4) Part II of *The Legislative Assembly Retirement Allowances Act, 1973*, except sections 15 and 16, subsection 5 of section 18 and clause *a* of subsection 2 of section 19, applies, *mutatis mutandis*, to the Ombudsman in the same manner as if he were a member of the Legislative Assembly and for the purpose,

(a) “average annual remuneration” means the average annual salary of the Ombudsman during any five years of his service, which years need not be consecutive, during which his salary was highest; and

(b) “remuneration” means the salary of the Ombudsman.

Temporary
Ombudsman **7.** In the event of the death or resignation of the Ombudsman while the Legislature is not in session or if he is unable or neglects to perform the functions of his office, the Lieutenant Governor in Council may appoint a temporary Ombudsman, to hold office for a term of not more than six months, who shall, while in such office, have the powers and duties and perform the functions of the Ombudsman and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.

Staff **8.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Ombudsman may employ such officers and other employees as the Ombudsman considers necessary for the efficient operation of his office and may determine their salary and remuneration and terms and conditions of employment.

Benefits (2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,

(a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

- (b) plans for group life insurance, medical-surgical insurance or long-term income protection; and
- (c) the granting of leave of absence,

apply to the permanent and full-time employees of the Ombudsman and where such benefits are provided for in regulations made under *The Public Service Act*, the Ombudsman, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations. R.S.O. 1970,
c. 386

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Ombudsman as though the Ombudsman were a commission designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits
R.S.O. 1970,
c. 387

9. The Ombudsman may lease such premises and acquire such equipment and supplies as are necessary for the efficient operation of his office. Premises and supplies

10. The salary of the Ombudsman and the expenses required for the operation of his office are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature. Salary and expenses

11. The accounts and financial transactions of the office of the Ombudsman shall be audited annually by the Provincial Auditor. Audit

12. The Ombudsman shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

13.—(1) Before commencing the duties of his office, the Ombudsman shall take an oath, to be administered by the Speaker of the Assembly, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with subsection 2, disclose any information received by him as Ombudsman. Oath of office and secrecy

(2) The Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations. Disclosure

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(3) The powers conferred on the Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

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not
reviewable

(4) Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired;
- (b) of any person acting as legal adviser to the Crown or acting as counsel to the Crown in relation to any proceedings.

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(5) If any question arises whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

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16.—(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act.

(2) All rules made under this section shall be deemed to be regulations within the meaning of *The Regulations Act*. Idem
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(3) Subject to this Act and any rules made under this section, the Ombudsman may determine his procedures. Procedures

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complaint

(2) Notwithstanding any provision in any Act, where any letter written by an inmate of any provincial correctional institution or training school or a patient in a provincial psychiatric facility is addressed to the Ombudsman it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution, training school or facility. To be
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(a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it; or

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(a) the subject-matter of the complaint is trivial;

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20.—(1) The Ombudsman may from time to time require any officer, employee or member of any governmental organization who in his opinion is able to give any information relating to any matter that is being investigated by the Ombudsman to furnish to him any such information, and to produce any documents or things which in the Ombudsman's opinion relate to any such matter and which may be in the possession or under the control of that person.

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oath

(2) The Ombudsman may summon before him and examine on oath,

(a) any complainant;

- (b) any person who is an officer or employee or member of any governmental organization and who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1; or
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(5) Every person has the same privileges in relation to the ^{Privileges} giving of information, the answering of questions, and the production of documents and things as witnesses have in any court.

(6) Except on the trial of any person for perjury in respect ^{Protection} of his sworn testimony, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

(7) A person giving a statement or answer in the course ^{Idem under R.S.C. 1970, c. E-10} of any inquiry or proceeding before the Ombudsman shall be informed by the Ombudsman of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

(8) No person is liable to prosecution for an offence against ^{Prosecution} any Act, other than this Act, by reason of his compliance with any requirement of the Ombudsman under this section.

Fees

(9) Where any person is required by the Ombudsman to attend before him for the purposes of this section, the person is entitled to the same fees, allowances, and expenses as if he were a witness in the Supreme Court, and the provisions of any Act, regulation or rule in that behalf apply accordingly.

Disclosure
of certain
matters not
to be
required

21.—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing,

- (a) might interfere with or impede investigation or detection of offences;
- (b) might involve the disclosure of the deliberations of the Executive Council; or
- (c) might involve the disclosure of proceedings of the Executive Council or of any committee of the Executive Council, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or thing to be produced.

Idem

(2) Subject to subsection 1, the rule of law which authorizes or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Procedure
after
investiga-
tion

22.—(1) This section applies in every case where, after making an investigation under this Act, the Ombudsman is of opinion that the decision, recommendation, act or omission which was the subject-matter of the investigation,

- (a) appears to have been contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was based wholly or partly on a mistake of law or fact; or
- (d) was wrong.

(2) This section also applies in any case where the Ombudsman is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision. ^{Idem}

(3) If in any case to which this section applies the Ombudsman is of opinion, ^{Ombudsman's report and recommendations}

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision or recommendation should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision or recommendation; or
- (g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons therefor, to the appropriate governmental organization, and may make such recommendations as he thinks fit and he may request the governmental organization to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations and the Ombudsman shall also send a copy of his report and recommendations to the minister concerned.

(4) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of any governmental organization affected, may send a copy of the report and recommendations to the Premier, and may thereafter make such report to the Assembly on the matter as he thinks fit. ^{Where no appropriate action taken}

(5) The Ombudsman shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the governmental organization affected. ^{Idem}

Complainant
to be
informed
of result
of investiga-
tion

23.—(1) Where, on any investigation following a complaint, the Ombudsman makes a recommendation under subsection 3 of section 22, and no action which seems to the Ombudsman to be adequate and appropriate is taken thereon within a reasonable time, the Ombudsman shall inform the complainant of his recommendation, and may make such comments on the matter as he thinks fit.

Idem

(2) The Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Proceedings
not to be
questioned
or to be
subject to
review

24. No proceeding of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged*

25.—(1) No proceedings lie against the Ombudsman, or against any person holding any office or appointment under the Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Idem

(2) The Ombudsman, and any such person as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Idem

(3) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Power of
entry of
premises

26.—(1) For the purposes of this Act, the Ombudsman may at any time enter upon any premises occupied by any governmental organization and inspect the premises and carry out therein any investigation within his jurisdiction.

Notice of
entry

(2) Before entering any premises under subsection 1, the Ombudsman shall notify the head of the governmental organization occupying the premises of his purpose.

Notice to
desist

(3) The Attorney General may by notice to the Ombudsman exclude the application of subsection 1 to any specified premises or class of premises if he is satisfied that the exercise of the powers mentioned in subsection 1 might be prejudicial to the public interest.



(4) Where a notice is given under subsection 3 and in the opinion of the Ombudsman it is necessary to take an action apparently prevented by the notice, the Ombudsman may apply to a judge of the High Court for an order setting aside the notice in respect of such action and, where the judge is satisfied that such action would not be prejudicial to the public interest, he may make the order.

Order
of judge



27.—(1) The Ombudsman may in writing delegate to any person holding any office under him any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Delegation
of powers

(2) Every delegation under this section is revocable at will and no such delegation prevents the exercise by the Ombudsman of any power so delegated.

Delegation
is revocable

(3) Every such delegation may be made subject to such restrictions and conditions as the Ombudsman thinks fit.

Restrictions
and
conditions

(4) In the event that the Ombudsman by whom any such delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Ombudsman.

Continuing
effect of
delegation

(5) Any person purporting to exercise any power of the Ombudsman by virtue of a delegation under this section shall, when required so to do, produce evidence of his authority to exercise the power.

Evidence of
obligation

28. Every person who,

Offences
and
penalties

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the performance of his functions under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Rights
under Act
do not
affect
other rights,
etc.

29. The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Commence-
ment

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. This Act may be cited as *The Ombudsman Act, 1975*.

An Act to provide for an Ombudsman
to investigate Administrative Decisions
and Acts of Officials of the Government
of Ontario and its Agencies

1st Reading

May 27th, 1975

2nd Reading

June 12th, 1975

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

B.
B 56

BILL 86

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to provide for an Ombudsman to investigate
Administrative Decisions and Acts of Officials of the
Government of Ontario and its Agencies**

Ontario. Legislative Assembly

THE HON. J. T. CLEMENT
Attorney General



BILL 86

1975

An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "governmental organization" means a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof;
- (b) "minister" means a member of the Executive Council.

2. There shall be appointed, as an officer of the Legislature, an Ombudsman to exercise the powers and perform the duties prescribed by this Act. Ombudsman

3. The Ombudsman shall be appointed by the Lieutenant Governor in Council on the address of the Assembly. Appoint-
ment

4.—(1) Subject to this Act, the Ombudsman shall hold office for a term of ten years, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly. Tenure of
office and
removal

(2) The Ombudsman may be reappointed for a further term or terms but shall retire upon attaining the age of sixty-five years. Reappoint-
ment
and
retirement

5.—(1) The Ombudsman shall devote himself exclusively to the duties of his office and shall not hold any other office under the Crown or engage in any other employment. Nature of
employment

(2) *The Public Service Act* and *The Public Service Superannuation Act* do not apply to the Ombudsman. Idem
R.S.O. 1970,
cc. 386, 387

Salary **6.**—(1) The Ombudsman shall be paid a salary to be fixed by the Lieutenant Governor in Council.

Idem (2) The salary of the Ombudsman shall not be reduced except on address of the Assembly.

Expenses (3) The Ombudsman is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the exercise of his functions under this Act.

Pension
1973, c. 152 (4) Part II of *The Legislative Assembly Retirement Allowances Act, 1973*, except sections 15 and 16, subsection 5 of section 18 and clause *a* of subsection 2 of section 19, applies, *mutatis mutandis*, to the Ombudsman in the same manner as if he were a member of the Legislative Assembly and for the purpose,

(a) “average annual remuneration” means the average annual salary of the Ombudsman during any five years of his service, which years need not be consecutive, during which his salary was highest; and

(b) “remuneration” means the salary of the Ombudsman.

Temporary
Ombudsman **7.** In the event of the death or resignation of the Ombudsman while the Legislature is not in session or if he is unable or neglects to perform the functions of his office, the Lieutenant Governor in Council may appoint a temporary Ombudsman, to hold office for a term of not more than six months, who shall, while in such office, have the powers and duties and perform the functions of the Ombudsman and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.

Staff **8.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Ombudsman may employ such officers and other employees as the Ombudsman considers necessary for the efficient operation of his office and may determine their salary and remuneration and terms and conditions of employment.

Benefits (2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,

(a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

- (b) plans for group life insurance, medical-surgical insurance or long-term income protection; and
- (c) the granting of leave of absence,

apply to the permanent and full-time employees of the Ombudsman and where such benefits are provided for in regulations made under *The Public Service Act*, the Ombudsman, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

R.S.O. 1970,
c. 386

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Ombudsman as though the Ombudsman were a commission designated by the Lieutenant Governor in Council under section 27 of that Act.

Employees'
superannua-
tion
benefits
R.S.O. 1970,
c. 387

9. The Ombudsman may lease such premises and acquire such equipment and supplies as are necessary for the efficient operation of his office.

Premises
and supplies

10. The salary of the Ombudsman and the expenses required for the operation of his office are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

Salary
and
expenses

11. The accounts and financial transactions of the office of the Ombudsman shall be audited annually by the Provincial Auditor.

Audit

12. The Ombudsman shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report

13.—(1) Before commencing the duties of his office, the Ombudsman shall take an oath, to be administered by the Speaker of the Assembly, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with subsection 2, disclose any information received by him as Ombudsman.

Oath of
office and
secrecy

(2) The Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Disclosure

Application
of Act

14. This Act does not apply,

- (a) to judges or to the functions of any court; or
- (b) to deliberations and proceedings of the Executive Council or any committee thereof.

Function of
Ombudsman

15.—(1) The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity.

Investiga-
tion on
complaint

(2) The Ombudsman may make any such investigation on a complaint made to him by any person affected or by any member of the Assembly to whom a complaint is made by any person affected, or of his own motion.

Powers
paramount

(3) The powers conferred on the Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Decisions
not
reviewable

(4) Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired;
- (b) of any person acting as legal adviser to the Crown or acting as counsel to the Crown in relation to any proceedings.

Application
to S.C.O. to
determine
jurisdiction

(5) If any question arises whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guidance
rules

16.—(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act.

(2) All rules made under this section shall be deemed to be regulations within the meaning of *The Regulations Act*. Idem
R.S.O. 1970,
c. 410

(3) Subject to this Act and any rules made under this section, the Ombudsman may determine his procedures. Procedures

17.—(1) Every complaint to the Ombudsman shall be made in writing. Mode of
complaint

(2) Notwithstanding any provision in any Act, where any letter written by an inmate of any provincial correctional institution or training school or a patient in a provincial psychiatric facility is addressed to the Ombudsman it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution, training school or facility. To be
forwarded

18.—(1) If, in the course of the investigation of any complaint within his jurisdiction, it appears to the Ombudsman, Ombudsman
may
refuse to
investigate
complaint

(a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it; or

(b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Ombudsman by this Act, the Ombudsman may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Ombudsman, or, if in his opinion, Idem

(a) the subject-matter of the complaint is trivial;

(b) the complaint is frivolous or vexatious or is not made in good faith; or

(c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Ombudsman decides not to investigate or further investigate a complaint he shall inform the complainant in writing of that decision, and may if he thinks fit state his reasons therefor. Complainant
to be
informed

Proceedings
of
Ombudsman

19.—(1) Before investigating any matter, the Ombudsman shall inform the head of the governmental organization affected of his intention to make the investigation.

Investigation to be
in private

(2) Every investigation by the Ombudsman under this Act shall be conducted in private.

Where
hearing
necessary

(3) The Ombudsman may hear or obtain information from such persons as he thinks fit, and may make such inquiries as he thinks fit and it is not necessary for the Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Ombudsman, but, if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any governmental organization or person, he shall give to that organization or person an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

May
consult
minister

(4) The Ombudsman may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Must
consult
minister

(5) On the request of any minister in relation to any investigation, or in any case where any investigation relates to any recommendation made to a minister, the Ombudsman shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 22.

Breach of
duty or
misconduct

(6) If, during or after an investigation, the Ombudsman is of opinion that there is evidence of a breach of duty or of misconduct on the part of any officer or employee of any governmental organization, he may refer the matter to the appropriate authority.

Evidence

20.—(1) The Ombudsman may from time to time require any officer, employee or member of any governmental organization who in his opinion is able to give any information relating to any matter that is being investigated by the Ombudsman to furnish to him any such information, and to produce any documents or things which in the Ombudsman's opinion relate to any such matter and which may be in the possession or under the control of that person.

Examination under
oath

(2) The Ombudsman may summon before him and examine on oath,

(a) any complainant;

- (b) any person who is an officer or employee or member of any governmental organization and who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1; or
- (c) any other person who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by the provisions of any Act, other than *The Public Service Act*, to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

Secrecy
R.S.O. 1970,
c. 386

(4) With the previous consent in writing of any complainant, any person to whom subsection 3 applies may be required by the Ombudsman to supply information or answer any question or produce any document or thing relating only to the complainant, and it is the duty of the person to comply with that requirement.

Idem

(5) Every person has the same privileges in relation to the giving of information, the answering of questions, and the production of documents and things as witnesses have in any court.

Privileges

(6) Except on the trial of any person for perjury in respect of his sworn testimony, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

Protection

(7) A person giving a statement or answer in the course of any inquiry or proceeding before the Ombudsman shall be informed by the Ombudsman of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

Idem
under
R.S.C. 1970,
c. E-10

(8) No person is liable to prosecution for an offence against any Act, other than this Act, by reason of his compliance with any requirement of the Ombudsman under this section.

Prosecution

Fees

(9) Where any person is required by the Ombudsman to attend before him for the purposes of this section, the person is entitled to the same fees, allowances, and expenses as if he were a witness in the Supreme Court, and the provisions of any Act, regulation or rule in that behalf apply accordingly.

Disclosure
of certain
matters not
to be
required

21.—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing,

- (a) might interfere with or impede investigation or detection of offences;
- (b) might involve the disclosure of the deliberations of the Executive Council; or
- (c) might involve the disclosure of proceedings of the Executive Council or of any committee of the Executive Council, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or thing to be produced.

Idem

(2) Subject to subsection 1, the rule of law which authorizes or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Procedure
after
investiga-
tion

22.—(1) This section applies in every case where, after making an investigation under this Act, the Ombudsman is of opinion that the decision, recommendation, act or omission which was the subject-matter of the investigation,

- (a) appears to have been contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was based wholly or partly on a mistake of law or fact; or
- (d) was wrong.

(2) This section also applies in any case where the Ombudsman is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision. Idem

(3) If in any case to which this section applies the Ombudsman is of opinion, Ombudsman's report and recommendations

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision or recommendation should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision or recommendation; or
- (g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons therefor, to the appropriate governmental organization, and may make such recommendations as he thinks fit and he may request the governmental organization to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations and the Ombudsman shall also send a copy of his report and recommendations to the minister concerned.

(4) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of any governmental organization affected, may send a copy of the report and recommendations to the Premier, and may thereafter make such report to the Assembly on the matter as he thinks fit. Where no appropriate action taken

(5) The Ombudsman shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the governmental organization affected. Idem

Complainant to be informed of result of investigation **23.**—(1) Where, on any investigation following a complaint, the Ombudsman makes a recommendation under subsection 3 of section 22, and no action which seems to the Ombudsman to be adequate and appropriate is taken thereon within a reasonable time, the Ombudsman shall inform the complainant of his recommendation, and may make such comments on the matter as he thinks fit.

Idem (2) The Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Proceedings not to be questioned or to be subject to review **24.** No proceeding of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

Proceedings privileged **25.**—(1) No proceedings lie against the Ombudsman, or against any person holding any office or appointment under the Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Idem (2) The Ombudsman, and any such person as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Idem (3) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Power of entry of premises **26.**—(1) For the purposes of this Act, the Ombudsman may at any time enter upon any premises occupied by any governmental organization and inspect the premises and carry out therein any investigation within his jurisdiction.

Notice of entry (2) Before entering any premises under subsection 1, the Ombudsman shall notify the head of the governmental organization occupying the premises of his purpose.

Notice to desist (3) The Attorney General may by notice to the Ombudsman exclude the application of subsection 1 to any specified premises or class of premises if he is satisfied that the exercise of the powers mentioned in subsection 1 might be prejudicial to the public interest.

(4) Where a notice is given under subsection 3 and in the opinion of the Ombudsman it is necessary to take an action apparently prevented by the notice, the Ombudsman may apply to a judge of the High Court for an order setting aside the notice in respect of such action and, where the judge is satisfied that such action would not be prejudicial to the public interest, he may make the order.

27.—(1) The Ombudsman may in writing delegate to any person holding any office under him any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

(2) Every delegation under this section is revocable at will and no such delegation prevents the exercise by the Ombudsman of any power so delegated.

(3) Every such delegation may be made subject to such restrictions and conditions as the Ombudsman thinks fit.

(4) In the event that the Ombudsman by whom any such delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Ombudsman.

(5) Any person purporting to exercise any power of the Ombudsman by virtue of a delegation under this section shall, when required so to do, produce evidence of his authority to exercise the power.

28. Every person who,

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the performance of his functions under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Rights
under Act
do not
affect
other rights,
etc.

29. The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Commence-
ment

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. This Act may be cited as *The Ombudsman Act, 1975*.

An Act to provide for an Ombudsman
to investigate Administrative Decisions
and Acts of Officials of the Government
of Ontario and its Agencies

1st Reading

May 27th, 1975

2nd Reading

June 12th, 1975

3rd Reading

June 27th, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N
XB
-B56

BILL 87

Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to amend
The Employment Standards Act, 1974

MRS. CAMPBELL



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES.

SECTION 1. The purpose of the amendment is to bring cleaning and maintenance superintendents within the scope of the Act. These employees would then be covered by the laws governing minimum wage, overtime pay, public holidays, vacations with pay, benefit plans, etc. The inclusion of this class of employees would also give an employee the benefit of the protection provided under section 57 of the Act where an employer threatens to dismiss the employee unlawfully.

SECTION 2. The purpose of the amendment is to limit the maximum working hours to forty hours per week. Any work in excess of this limit would be overtime work.

An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Employment Standards Act, 1974*, being ^{s. 1, amended} chapter 112, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) “cleaning superintendent” means a person employed as a superintendent, janitor or caretaker of a residential building solely for the purpose of cleaning the building.

- (2) Clause *c* of the said section 1 is amended by striking ^{s. 1 (c), amended} out “or” at the end of subclause ii, by adding “or” at the end of subclause iii and by adding thereto the following subclause:

(iv) performs work as a maintenance superintendent or a cleaning superintendent,

- (3) The said section 1 is further amended by adding thereto ^{s. 1, amended} the following clause:

(ga) “maintenance superintendent” means a person employed as a superintendent, janitor or caretaker of a residential building solely for the purpose of keeping the building in a good state of repair where the person is not required to perform any skill required of a person holding a certificate of qualification under *The Apprenticeship and Tradesmen’s Qualification Act*. ^{R.S.O. 1970, c. 24}

2. Section 17 of the said Act is amended by adding thereto the ^{s. 17, amended} following subsection:

Maximum
working
hours for
superin-
tendents

(2) Notwithstanding subsection 1, the hours of work of a cleaning superintendent or a maintenance superintendent shall not exceed eight in the day and forty in the week.

s. 33a,
enacted

- 3.** The said Act is amended by adding thereto the following section:

Benefits
where
spouse
required
to work

33a. Where a person is employed as a cleaning superintendent or a maintenance superintendent and such person lives in or in close proximity to the building in which he works and where his spouse is required to perform any of the functions of the person employed, such spouse shall be deemed to also be an employee and shall be entitled to the same wages and benefits that would accrue to the person.

s. 40,
amended

- 4.** Section 40 of the said Act is amended by adding thereto the following subsection:

Idem

(1a) Notwithstanding subsection 1, where an employee is employed as a cleaning superintendent or a maintenance superintendent and such employment includes the use of living accommodation for the employee and his family, the employer shall not terminate the employment of the employee unless he gives four weeks notice in writing to the employee.

Commence-
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Employment Standards Amendment Act, 1975*.

SECTION 3. The purpose of the amendment is to ensure that where the spouse of a superintendent is required to work, such spouse will be paid the minimum wage for such work and any benefits that would accrue under the Act.

SECTION 4. The purpose of the amendment is to give an employee whose employment has been terminated adequate time to find new accommodation.

An Act to amend
The Employment Standards
Act, 1974

1st Reading

May 27th, 1975

2nd Reading

3rd Reading

MRS. CAMPBELL

(Private Member's Bill)

CA20N

XB

-B56

BILL 88

Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Horticultural Societies Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The main provisions of the Bill are as follows:

1. The references in the Act to the "Superintendent" are updated to a reference to the Director of the Agricultural and Horticultural Societies Branch of the Ministry of Agriculture and Food. (Sections 1 and 2).
2. At present, the board of directors of a society may be composed of the president, first vice-president, second vice-president and ten directors.

Provision is made for the election of not more than five additional directors and five junior directors. (Section 4).

3. The minimum fee for an annual membership in a society is increased to \$1. (Section 5).
4. The amounts of grants that may be paid to societies are increased.

Every society shall, during the first year of its existence, receive a grant amounting to \$2 for every paid-up member, to a maximum of \$200. The present amount is 50 cents per member to a maximum of \$75. (Section 10).

At present, every society that has been in existence for more than one year receives a grant of 25 cents for each paid-up member and one-quarter of the total amount expended by the society during the previous year for its purposes. The Bill provides for payment of a grant of \$1 per member and one-half of the amount expended. (Section 10).

5. The Act now provides that no grant to a society shall exceed \$500. The maximum is increased to \$1,000 in the case of a society having more than 100 and fewer than 200 members and \$1,500 in the case of a society having 200 members or more. (Section 10).
6. Every society is entitled to be affiliated with the Ontario Horticultural Association. (Section 10).
7. Other provisions of the Bill update the Act to reflect present practices and policies respecting the organization and functioning of societies.

An Act to amend The Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Horticultural Societies Act*, being chapter 207 of the Revised Statutes of Ontario, 1970, is amended by striking out "Superintendent" wherever it occurs and inserting in lieu thereof in each instance "Director". Act,
amended

2. Section 1 of the said Act is repealed and the following substituted therefor: s. 1,
re-enacted
 1. In this Act, Interpre-
tation
 - (a) "Board" means a board of directors elected under this Act;
 - (b) "Director" means the Director of the Agricultural and Horticultural Societies Branch of the Ministry;
 - (c) "Minister" means the Minister of Agriculture and Food;
 - (d) "Ministry" means the Ministry of Agriculture and Food;
 - (e) "society" means a horticultural society organized under this Act or under any former Act having a similar purpose.

3. Section 3 of the said Act is repealed and the following substituted therefor: s. 3,
re-enacted
 - 3.—(1) A society may be organized in any local municipality or in a police village having a population of not less than 200, or in any two of them that adjoin each other. Where
societies
may be
organized

Additional
societies

(2) In a local municipality having a population of not less than 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society.

Reorgan-
ization,
etc., of muni-
cipality does
not affect
existing
society

(3) A reorganization, amalgamation or boundary alteration of a municipality does not affect any society that has been organized prior thereto.

s. 4, pars. 2, 3,
5, 7, 8,
re-enacted

4. Paragraphs 2, 3, 5, 7 and 8 of section 4 of the said Act are repealed and the following substituted therefor:

2. The number of persons signing the agreement shall be, in the case of a society in a territorial district or provisional county, at least 25 and elsewhere in Ontario, at least 50.
3. Every person who signs the agreement shall pay to the person having charge thereof the sum of \$2 as a membership fee and all such sums become the property of the society upon its organization, and, where no society is organized, the sums shall be repaid to the persons entitled thereto.

.

5. The organization meeting shall be held as soon as practicable after the required number of signatures are obtained or at such other time as the Director authorizes, upon at least one week's notice published in a newspaper having a general circulation in the area in which the society is to be organized.

.

7. At the organization meeting there shall be elected a board of directors composed of a president, first vice-president and second vice-president to hold office until the next annual meeting and ten directors of whom five shall hold office until the next annual meeting and five shall hold office until the next following annual meeting and,

- (a) where any member of the board so elected has not paid the sum of \$2 required by paragraph 3, he shall pay such sum to the treasurer or secretary-treasurer within two weeks of the election; and

- (b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five junior directors and no person is eligible for election as a junior director who, at the time of the election, is more than twenty-six years of age.

8. At the organization meeting and at every annual meeting there shall be elected two auditors to hold office until the next annual meeting.

5. Subsections 1, 2, 3 and 5 of section 8 of the said Act are repealed and the following substituted therefor: s. 8 (1-3, 5),
re-enacted

(1) Every person of the full age of sixteen years or over is entitled to become a member of a society and every person under the age of sixteen years is entitled to become an associate member of a society. Persons
entitled to
membership

(2) Subject to the by-laws of a society, a partnership or incorporated company or an association directed towards horticultural interests may become a member of the society upon payment of the prescribed fee but, in every such case, the partnership, company or association shall delegate one person to exercise the privilege of membership in the society. Partnership,
corporation
or associa-
tion may
be member

(3) In every society there shall be an annual membership fee of not less than \$1. Membership
fee

.

(5) Every full member in good standing of a society is entitled to vote on all questions coming before a regular or special meeting of the society. Voting of
members

6. Clauses *b*, *c* and *f* of subsection 1 of section 9 of the said Act are repealed and the following substituted therefor: s. 9 (1),
(b), (c), (f),
re-enacted

(b) by encouraging the improvement of private and public grounds, including highways and streets, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art, public beautification, balcony gardening, therapeutic use of horticulture, community gardens and plot gardening;

(c) by interesting youth and others in the study of horticulture by the holding of meetings, field trips, contests and competitions and by such other means as the society considers proper;

.

(f) by promoting the protection of the environment with appropriate horticultural projects; and

(g) by promoting the circulation of horticultural information through all available media including periodicals and provision of books for libraries.

s. 11,
amended

7. Section 11 of the said Act is amended by adding thereto the following subsection:

ex officio
member

(2) Where there is an immediate past president of a society he is *ex officio* a member of the board of directors.

s. 13 (1),
re-enacted

8. Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Statement
to be sent
to Minister

(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer or secretary and treasurer, and auditors to be true copies shall be forwarded to the Director within ninety days of the holding of the annual meeting.

s. 15 (2),
re-enacted

9. Subsection 2 of section 15 of the said Act is repealed and the following substituted therefor:

Quorum

(2) One-third of the members of the board constitutes a quorum.

ss. 19, 20,
re-enacted

10. Sections 19 and 20 of the said Act are repealed and the following substituted therefor:

Payment
of grants

19. Grants shall be paid to societies out of moneys appropriated therefor by the Legislature according to the following plan:

1. Every society shall, during the first year of its existence, receive a grant amounting to \$2 for every paid-up member as of the 1st day of July, but no such grant shall exceed \$200.

2. Subject to paragraph 3, every society that has been in existence for more than one year shall receive a grant amounting to,

(a) \$1 for every paid-up member during the previous year; and

(b) one-half of the total amount expended by the society during the preceding year for the pur-

pose of carrying out its objects, and, for the purpose of this clause, up to one-quarter of the amount expended by the society may be composed of the value of donated labour.

3. No grant under paragraph 2 shall exceed,

- (a) in the case of a society with 100 or fewer members, \$500;
- (b) in the case of a society with more than 100 and fewer than 200 members, \$1,000; and
- (c) in the case of a society with 200 members or more, \$1,500.

20. The council of a city, town, village, township, regional municipality, district municipality or county may grant money to any society organized wholly or partly within its limits. ^{Municipal grants}

20a. Every society within the meaning of this Act is entitled to be affiliated with the Ontario Horticultural Association upon payment of the affiliation fees prescribed therefor by the Association. ^{Entitlement to affiliation}

11. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

12. This Act may be cited as *The Horticultural Societies Amendment Act, 1975*. ^{Short title}

An Act to amend
The Horticultural Societies Act

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

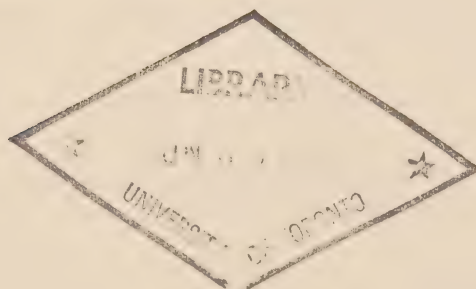
(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Horticultural Societies Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 88

1975

An Act to amend The Horticultural Societies Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Horticultural Societies Act*, being chapter 207 of the Revised Statutes of Ontario, 1970, is amended by striking out "Superintendent" wherever it occurs and inserting in lieu thereof in each instance "Director". Act,
amended

2. Section 1 of the said Act is repealed and the following substituted therefor: s. 1,
re-enacted
 1. In this Act, Interpre-
tation
 - (a) "Board" means a board of directors elected under this Act;
 - (b) "Director" means the Director of the Agricultural and Horticultural Societies Branch of the Ministry;
 - (c) "Minister" means the Minister of Agriculture and Food;
 - (d) "Ministry" means the Ministry of Agriculture and Food;
 - (e) "society" means a horticultural society organized under this Act or under any former Act having a similar purpose.

3. Section 3 of the said Act is repealed and the following substituted therefor: s. 3,
re-enacted

3.—(1) A society may be organized in any local municipality or in a police village having a population of not less than 200, or in any two of them that adjoin each other. Where
societies
may be
organized

Additional
societies

(2) In a local municipality having a population of not less than 100,000 there may be two societies and for each additional 100,000 of population there may be an additional society.

Reorgan-
ization,
etc., of muni-
cipality does
not affect
existing
society

(3) A reorganization, amalgamation or boundary alteration of a municipality does not affect any society that has been organized prior thereto.

s. 4, pars. 2, 3,
5, 7, 8,
re-enacted

4. Paragraphs 2, 3, 5, 7 and 8 of section 4 of the said Act are repealed and the following substituted therefor:

2. The number of persons signing the agreement shall be, in the case of a society in a territorial district or provisional county, at least 25 and elsewhere in Ontario, at least 50.
3. Every person who signs the agreement shall pay to the person having charge thereof the sum of \$2 as a membership fee and all such sums become the property of the society upon its organization, and, where no society is organized, the sums shall be repaid to the persons entitled thereto.

.

5. The organization meeting shall be held as soon as practicable after the required number of signatures are obtained or at such other time as the Director authorizes, upon at least one week's notice published in a newspaper having a general circulation in the area in which the society is to be organized.

.

7. At the organization meeting there shall be elected a board of directors composed of a president, first vice-president and second vice-president to hold office until the next annual meeting and ten directors of whom five shall hold office until the next annual meeting and five shall hold office until the next following annual meeting and,

(a) where any member of the board so elected has not paid the sum of \$2 required by paragraph 3, he shall pay such sum to the treasurer or secretary-treasurer within two weeks of the election; and

- (b) where the Director has so authorized, there may be elected not more than five additional directors and not more than five junior directors and no person is eligible for election as a junior director who, at the time of the election, is more than twenty-six years of age.

8. At the organization meeting and at every annual meeting there shall be elected two auditors to hold office until the next annual meeting.

5. Subsections 1, 2, 3 and 5 of section 8 of the said Act are ^{s. 8 (1-3, 5), re-enacted} repealed and the following substituted therefor:

(1) Every person of the full age of sixteen years or over ^{Persons entitled to membership} is entitled to become a member of a society and every person under the age of sixteen years is entitled to become an associate member of a society.

(2) Subject to the by-laws of a society, a partnership or ^{Partnership, corporation or association may be member} incorporated company or an association directed towards horticultural interests may become a member of the society upon payment of the prescribed fee but, in every such case, the partnership, company or association shall delegate one person to exercise the privilege of membership in the society.

(3) In every society there shall be an annual membership ^{Membership fee} fee of not less than \$1.

.

(5) Every full member in good standing of a society is ^{Voting of members} entitled to vote on all questions coming before a regular or special meeting of the society.

6. Clauses *b*, *c* and *f* of subsection 1 of section 9 of the said ^{s. 9 (1), (b), (c), (f), re-enacted} Act are repealed and the following substituted therefor:

(b) by encouraging the improvement of private and public grounds, including highways and streets, by the planting of trees, shrubs and flowers, and by otherwise promoting outdoor art, public beautification, balcony gardening, therapeutic use of horticulture, community gardens and plot gardening;

(c) by interesting youth and others in the study of horticulture by the holding of meetings, field trips, contests and competitions and by such other means as the society considers proper;

.

(f) by promoting the protection of the environment with appropriate horticultural projects; and

(g) by promoting the circulation of horticultural information through all available media including periodicals and provision of books for libraries.

s. 11,
amended

7. Section 11 of the said Act is amended by adding thereto the following subsection:

ex officio
member

(2) Where there is an immediate past president of a society he is *ex officio* a member of the board of directors.

s. 13 (1),
re-enacted

8. Subsection 1 of section 13 of the said Act is repealed and the following substituted therefor:

Statement
to be sent
to Minister

(1) A statement of officers and members and a copy of the financial statement in the form prescribed by the Minister and certified by the president, secretary-treasurer or secretary and treasurer, and auditors to be true copies shall be forwarded to the Director within ninety days of the holding of the annual meeting.

s. 15 (2),
re-enacted

9. Subsection 2 of section 15 of the said Act is repealed and the following substituted therefor:

Quorum

(2) One-third of the members of the board constitutes a quorum.

ss. 19, 20,
re-enacted

10. Sections 19 and 20 of the said Act are repealed and the following substituted therefor:

Payment
of grants

19. Grants shall be paid to societies out of moneys appropriated therefor by the Legislature according to the following plan:

1. Every society shall, during the first year of its existence, receive a grant amounting to \$2 for every paid-up member as of the 1st day of July, but no such grant shall exceed \$200.

2. Subject to paragraph 3, every society that has been in existence for more than one year shall receive a grant amounting to,

(a) \$1 for every paid-up member during the previous year; and

(b) one-half of the total amount expended by the society during the preceding year for the pur-

pose of carrying out its objects, and, for the purpose of this clause, up to one-quarter of the amount expended by the society may be composed of the value of donated labour.

3. No grant under paragraph 2 shall exceed,

- (a) in the case of a society with 100 or fewer members, \$500;
- (b) in the case of a society with more than 100 and fewer than 200 members, \$1,000; and
- (c) in the case of a society with 200 members or more, \$1,500.

20. The council of a city, town, village, township, regional municipality, district municipality or county may grant money to any society organized wholly or partly within its limits. ^{Municipal grants}

20a. Every society within the meaning of this Act is entitled to be affiliated with the Ontario Horticultural Association upon payment of the affiliation fees prescribed therefor by the Association. ^{Entitlement to affiliation}

11. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

12. This Act may be cited as *The Horticultural Societies Amendment Act, 1975*. ^{Short title}

An Act to amend
The Horticultural Societies Act

1st Reading

May 29th, 1975

2nd Reading

June 5th, 1975

3rd Reading

June 5th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N
XB
-B56

41
BILL 89

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

~~Government~~
Publications

Ontario. Legislative Assembly
// //

An Act to amend The Highway Traffic Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendment increases the limitation period for actions for the recovery of damages occasioned by a motor vehicle from one year to two years. The change was recommended by the Ontario Law Reform Commission in its Report on Limitation of Actions and is complemented by similar amendments to *The Fatal Accidents Act* and *The Trustee Act*.

BILL 89

1975

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 146 of *The Highway Traffic Act*, being ^{s. 146 (1), amended} chapter 202 of the Revised Statutes of Ontario, 1970, is amended by striking out "twelve months" in the third line and inserting in lieu thereof "two years".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Highway Traffic Amendment Act, 1975*. ^{Short title}

An Act to amend
The Highway Traffic Act

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(*Government Bill*)

CA20N
XB
-B 56

BILL 89

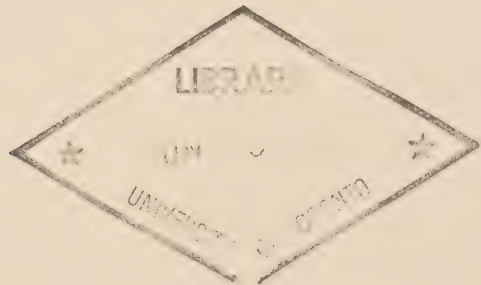
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Highway Traffic Act

THE HON. J. T. CLEMENT
Attorney General



BILL 89

1975

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 146 of *The Highway Traffic Act*, being s. 146 (1),
chapter 202 of the Revised Statutes of Ontario, 1970, is amended
amended by striking out "twelve months" in the third line
and inserting in lieu thereof "two years".
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Highway Traffic Amendment Act, 1975*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

May 29th, 1975

2nd Reading

June 2nd, 1975

3rd Reading

June 2nd, 1975

THE HON. J. T. CLEMENT
Attorney General

CAZON

XB

-B56

BILL 90

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to amend The Fatal Accidents Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendment extends the limitation period for actions for damages under the Act from one year to two years. The Bill is complementary to a Bill to amend *The Highway Traffic Act* providing for a similar extension in respect of actions for damages occasioned by a motor vehicle.

An Act to amend The Fatal Accidents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 5,
re-enacted

 5. Not more than one action lies for and in respect of the same subject-matter of complaint, and no such action shall be brought after the expiration of two years from the death of the deceased.

Limitation
of actions
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Fatal Accidents Amendment Act, 1975*.

Short title

An Act to amend
The Fatal Accidents Act

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(*Government Bill*)

CAZON

XB

-B56

BILL 90

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Fatal Accidents Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 90

1975

An Act to amend The Fatal Accidents Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Fatal Accidents Act*, being chapter 164 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 5,
re-enacted</sup>

5. Not more than one action lies for and in respect of the same subject-matter of complaint, and no such action shall be brought after the expiration of two years from the death of the deceased. <sup>Limitation
of actions</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Fatal Accidents Amendment Act, 1975*. ^{Short title}

An Act to amend
The Fatal Accidents Act

1st Reading

May 29th, 1975

2nd Reading

June 2nd, 1975

3rd Reading

June 2nd, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N
XB
-B 56

BILL 91

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to amend The Trustee Act

THE HON. J. T. CLEMENT
Attorney General



EXPLANATORY NOTE

The amendment extends the limitation period for actions for torts by or against the executor or administrator of the estate of a deceased person from one year to two years. This Bill is complementary to a Bill to amend *The Highway Traffic Act* providing for a similar extension in respect of actions for damages occasioned by a motor vehicle.

BILL 91

1975

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 38 of *The Trustee Act*, being chapter 470 <sup>s. 38 (5),
amended</sup> of the Revised Statutes of Ontario, 1970, is amended by striking out "one year" in the second line and inserting in lieu thereof "two years".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Trustee Amendment Act, 1975*. ^{Short title}

An Act to amend
The Trustee Act

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(Government Bill)

CAZON
XB
-B 56

BILL 91

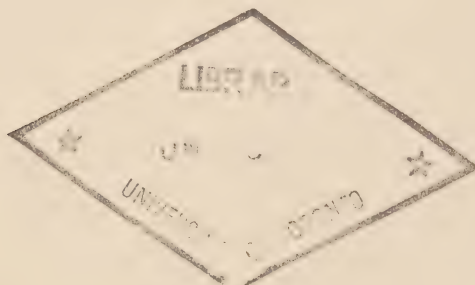
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Trustee Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 91

1975

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 38 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended by striking out "one year" in the second line and inserting in lieu thereof "two years". s. 38 (5),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Trustee Amendment Act, 1975*. Short title

An Act to amend
The Trustee Act

1st Reading

May 29th, 1975

2nd Reading

June 2nd, 1975

3rd Reading

June 2nd, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N

XB

-B 56

BILL 92

Government Bill

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Mechanics' Lien Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill brings under the mechanics' lien procedures all Crown contracts for public works except those of the Ministry of Transportation and Communications, which are provided for in a Bill to enact *The Ministry of Transportation and Communications Creditors Payment Act, 1975*.

An Act to amend The Mechanics' Lien Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Mechanics' Lien Act*, <sup>s. 1 (1),
amended</sup> being chapter 267 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:
 - (ba) “Crown” includes Crown agencies to which *The* <sup>R.S.O. 1970,
c. 100</sup> *Crown Agency Act* applies;
 - (bb) “estate or interest in land” includes a statutory right given or reserved to the Crown to enter any lands or premises of any person or public authority for the purpose of doing any work, construction, repair or maintenance in, upon, through, over or under any such lands or premises.
- (2) Clause *d* of subsection 1 of the said section 1 is amended <sup>s. 1 (1) (d),
amended</sup> by inserting after “including” in the first line “the Crown”.
- (3) Subsection 1 of the said section 1 is further amended <sup>s. 1 (1),
amended</sup> by adding thereto the following clause:
 - (da) “public work” means the property of the Crown and includes land in which the Crown has an estate or interest, and also includes all works and properties acquired, constructed, extended, enlarged, repaired, equipped or improved at the expense of the Crown, or for the acquisition, construction, repairing, equipping, extending, enlarging or improving of which any public money is appropriated by the Legislature, but not any work for which money is appropriated as a subsidy only.

2. The said Act is amended by adding thereto the following <sup>s. 1a,
enacted</sup> section:

Application
of Act

1975, c. . . .

1a.—(1) Subject to subsection 2 of section 5, this Act binds the Crown but does not apply in respect of work under a contract as defined in *The Ministry of Transportation and Communications Creditors Payment Act, 1975* and to which that Act applies.

Application
of
R.S.O. 1970,
c. 365, s. 7

(2) Section 7 of *The Proceedings Against the Crown Act* does not apply in respect of proceedings against the Crown under this Act.

s. 2(4),
amended

3. Subsection 4 of section 2 of the said Act is amended by inserting after “than” in the first line “the Crown”.

s. 5(2),
re-enacted

4. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Where lien
against
Crown or
municipality

(2) Where the land or premises upon or in respect of which any work is done or materials are placed or furnished is,

(a) a public street or highway owned by a municipality;
or

(b) a public work,

the lien given by subsection 1 does not in any event attach to such land or premises but shall instead constitute a charge on amounts directed to be retained by section 11, and the provisions of this Act shall be construed, *mutatis mutandis*, to have effect without requiring the registration or enforcement of a lien or a claim for lien against such land or premises.

s. 11(3),
amended

5.—(1) Subsection 3 of section 11 of the said Act is amended by striking out “and section 23” in the sixth line and inserting in lieu thereof “section 23 and section 23a”.

s. 11(5),
re-enacted

(2) Subsection 5 of the said section 11 is repealed and the following substituted therefor:

Charge on
holdback

(5) The lien is a charge upon the amount directed to be retained by this section in favour of lien claimants whose liens are derived under persons to whom the moneys so required to be retained are respectively payable.

Charge on
further
amounts
payable in
case of
Crown or
Municipality

(5a) Where the lien does not attach to the land by virtue of subsection 2 of section 5, and a person claiming a lien gives to the owner, or a contractor or subcontractor notice in writing of the lien, the owner, contractor or subcontractor so notified shall retain out of amounts payable to the contractor or subcontractor under whom the lien is derived an amount equal to the amount claimed in the notice.

- (3) Subsection 7 of the said section 11 is amended by striking out "proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23" in the fifth and sixth lines and inserting in lieu thereof "the appropriate steps have been taken to preserve the lien as provided by sections 22 and 23, or 22*a* and 23*a*, as the case may be". s. 11 (7),
amended
6. Section 12 of the said Act is amended by striking out "or to any person who but for subsection 2 of that section would be entitled to a lien under that section" in the second, third and fourth lines. s. 12,
amended
7. Subsection 1 of section 18 of the said Act is amended by inserting after "17" in the first line "21*a*". s. 18 (1),
amended
8. Subsection 5 of section 21 of the said Act is repealed. s. 21 (5),
repealed
9. The said Act is further amended by adding thereto the following section: s. 21*a*,
enacted
- 21*a*.—(1) Without limiting the generality of subsection 2 of section 5, where the lien does not attach to the land by virtue of subsection 2 of section 5, sections 16, 17, 19 and 20 do not apply. Crown and
municipal
contracts
- (2) Where the lien does not attach to the land by virtue of subsection 2 of section 5, any person who is claiming a lien shall give notice thereof in writing to the owner in the manner hereafter provided. Notice of
claim to
hold back
- (3) Where the claim is in respect of a public street or highway owned by a municipality, the notice required to be given to the owner by subsection 2 shall be given to the clerk of the municipality. Service on
municipality
- (4) Where the claim is in respect of a public work, the notice required by subsection 2 to be given to the owner shall be given to the Ministry or Crown agency for whom the work is done or the materials are placed or furnished. Service on
Crown
- (5) The notice required by subsection 2 shall be given within the time allowed for registration under section 21. Time for
service
- (6) The notice required by subsection 2 may be served personally, or it may be sent by registered mail, in which case the date of mailing shall be deemed to be the date on which the notice was given. Method of
service
- (7) The notice required shall set out, Contents of
notice

- (a) the name and address of the person making the claim and of the person for whom the work was done or the materials were placed or furnished, and the time within which the same was done or placed or furnished;
- (b) a short description of the work done or the materials placed or furnished;
- (c) the sum claimed as due;
- (d) the address or a description of the location of the land;
- (e) the date of expiry of the period of credit if credit has been given.

Verification

(8) The matters set out in the notice shall be verified by the affidavit of the person claiming the lien, or his agent or assignee who has a personal knowledge of the matters, and the affidavit of the agent or assignee shall state that he has such knowledge.

s. 22,
amended

- 10.** Section 22 of the said Act is amended by adding thereto the following subsection:

Not
applicable
to Crown and
municipal
contracts

(4) This section does not apply to liens which, by virtue of subsection 2 of section 5, do not attach to the land.

s. 22a,
enacted

- 11.** The said Act is further amended by adding thereto the following section:

Time for
claiming
liens
against
Crown
and muni-
cipalities

22a. Where the lien does not attach to the land by virtue of subsection 2 of section 5, every lien for which notice has not been given as required by section 21a ceases to exist at the expiration of the time limited in section 21a for giving notice of claim thereof.

s. 23 (2, 3),
repealed

- 12.** Subsections 2 and 3 of section 23 of the said Act are repealed.

s. 23a,
enacted

- 13.** The said Act is further amended by adding thereto the following section:

Expiration
of liens
against
Crown
and muni-
cipalities

23a. Every lien which by virtue of subsection 2 of section 5 does not attach to the land ceases to exist on the expiration of ninety days after,

- (a) the work has been completed or abandoned;
- (b) the materials have been placed or furnished; or

- (c) the expiry of the period of credit, where such period is mentioned in the notice referred to in section 21a,

unless in the meantime an action under this Act is commenced to realize the claim or in which a subsisting claim may be realized.

- 14.** Section 49 of the said Act is repealed and the following substituted therefor: s. 49, re-enacted

49. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing forms and providing for their use;
- (b) providing for and requiring the posting of notices on building sites;
- (c) prescribing the appropriate offices of the Crown to which notice of a claim for lien must be sent.

- 15.**—(1) This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

- (2) This Act does not apply in respect of work done or materials supplied or furnished under a contract entered into before this Act comes into force or under any sub-contract entered into directly or indirectly under such contract. Application

- 16.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1975*. Short title

An Act to amend
The Mechanics' Lien Act

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(Government Bill)

CA20N

XB

-B 56

BILL 92

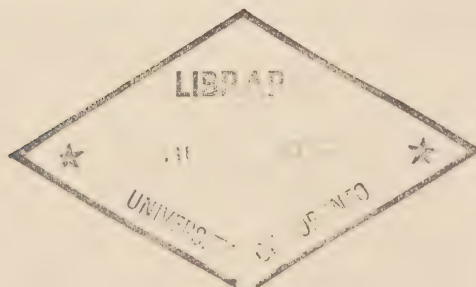
Governor
Publication

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Mechanics' Lien Act

Ontario. Legislative Assembly

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Mechanics' Lien Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Mechanics' Lien Act*, ^{s. 1 (1), amended} being chapter 267 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses:
 - (ba) "Crown" includes Crown agencies to which *The* ^{R.S.O. 1970, c. 100} *Crown Agency Act* applies;
 - (bb) "estate or interest in land" includes a statutory right given or reserved to the Crown to enter any lands or premises of any person or public authority for the purpose of doing any work, construction, repair or maintenance in, upon, through, over or under any such lands or premises.
- (2) Clause *d* of subsection 1 of the said section 1 is amended ^{s. 1 (1) (d), amended} by inserting after "including" in the first line "the Crown".
- (3) Subsection 1 of the said section 1 is further amended ^{s. 1 (1), amended} by adding thereto the following clause:
 - (da) "public work" means the property of the Crown and includes land in which the Crown has an estate or interest, and also includes all works and properties acquired, constructed, extended, enlarged, repaired, equipped or improved at the expense of the Crown, or for the acquisition, construction, repairing, equipping, extending, enlarging or improving of which any public money is appropriated by the Legislature, but not any work for which money is appropriated as a subsidy only.
2. The said Act is amended by adding thereto the following ^{s. 1a, enacted} section:

Application
of Act

1975, c. ...

1a.—(1) Subject to subsection 2 of section 5, this Act binds the Crown but does not apply in respect of work under a contract as defined in *The Ministry of Transportation and Communications Creditors Payment Act, 1975* and to which that Act applies.

Application
of
R.S.O. 1970,
c. 365, s. 7

(2) Section 7 of *The Proceedings Against the Crown Act* does not apply in respect of proceedings against the Crown under this Act.

s. 2 (4),
amended

3. Subsection 4 of section 2 of the said Act is amended by inserting after "than" in the first line "the Crown".

s. 5 (2),
re-enacted

4. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Where lien
against
Crown or
municipality

(2) Where the land or premises upon or in respect of which any work is done or materials are placed or furnished is,

(a) a public street or highway owned by a municipality;
or

(b) a public work,

the lien given by subsection 1 does not in any event attach to such land or premises but shall instead constitute a charge on amounts directed to be retained by section 11, and the provisions of this Act shall be construed, *mutatis mutandis*, to have effect without requiring the registration or enforcement of a lien or a claim for lien against such land or premises.

s. 11 (3),
amended

5.—(1) Subsection 3 of section 11 of the said Act is amended by striking out "and section 23" in the sixth line and inserting in lieu thereof "section 23 and section 23a".

s. 11 (5),
re-enacted

(2) Subsection 5 of the said section 11 is repealed and the following substituted therefor:

Charge on
holdback

(5) The lien is a charge upon the amount directed to be retained by this section in favour of lien claimants whose liens are derived under persons to whom the moneys so required to be retained are respectively payable.

Charge on
further
amounts
payable in
case of
Crown or
Municipality

(5a) Where the lien does not attach to the land by virtue of subsection 2 of section 5, and a person claiming a lien gives to the owner, or a contractor or subcontractor notice in writing of the lien, the owner, contractor or subcontractor so notified shall retain out of amounts payable to the contractor or subcontractor under whom the lien is derived an amount equal to the amount claimed in the notice.

- (3) Subsection 7 of the said section 11 is amended by striking out “proceedings have been commenced to enforce any lien or charge against the percentage as provided by sections 22 and 23” in the fifth and sixth lines and inserting in lieu thereof “the appropriate steps have been taken to preserve the lien as provided by sections 22 and 23, or 22*a* and 23*a*, as the case may be”. s. 11 (7), amended
6. Section 12 of the said Act is amended by striking out “or to any person who but for subsection 2 of that section would be entitled to a lien under that section” in the second, third and fourth lines. s. 12, amended
7. Subsection 1 of section 18 of the said Act is amended by inserting after “17” in the first line “21*a*”. s. 18 (1), amended
8. Subsection 5 of section 21 of the said Act is repealed. s. 21 (5), repealed
9. The said Act is further amended by adding thereto the following section: s. 21*a*, enacted
- 21*a*.—(1) Without limiting the generality of subsection 2 of section 5, where the lien does not attach to the land by virtue of subsection 2 of section 5, sections 16, 17, 19 and 20 do not apply. Crown and municipal contracts
- (2) Where the lien does not attach to the land by virtue of subsection 2 of section 5, any person who is claiming a lien shall give notice thereof in writing to the owner in the manner hereafter provided. Notice of claim to hold back
- (3) Where the claim is in respect of a public street or highway owned by a municipality, the notice required to be given to the owner by subsection 2 shall be given to the clerk of the municipality. Service on municipality
- (4) Where the claim is in respect of a public work, the notice required by subsection 2 to be given to the owner shall be given to the Ministry or Crown agency for whom the work is done or the materials are placed or furnished, or to such office as is prescribed by the regulations. Service on Crown
- (5) The notice required by subsection 2 shall be given within the time allowed for registration under section 21. Time for service
- (6) The notice required by subsection 2 may be served personally, or it may be sent by registered mail, in which case the date of mailing shall be deemed to be the date on which the notice was given. Method of service

Contents of
notice

(7) The notice required shall set out,

- (a) the name and address of the person making the claim and of the person for whom the work was done or the materials were placed or furnished, and the time within which the same was done or placed or furnished;
- (b) a short description of the work done or the materials placed or furnished;
- (c) the sum claimed as due;
- (d) the address or a description of the location of the land;
- (e) the date of expiry of the period of credit if credit has been given.

Verification

(8) The matters set out in the notice shall be verified by the affidavit of the person claiming the lien, or his agent or assignee who has a personal knowledge of the matters, and the affidavit of the agent or assignee shall state that he has such knowledge.

s. 22,
amended

10. Section 22 of the said Act is amended by adding thereto the following subsection:

Not
applicable
to Crown and
municipal
contracts

(4) This section does not apply to liens which, by virtue of subsection 2 of section 5, do not attach to the land.

s. 22a,
enacted

11. The said Act is further amended by adding thereto the following section:

Time for
claiming
liens
against
Crown
and muni-
cipalities

22a. Where the lien does not attach to the land by virtue of subsection 2 of section 5, every lien for which notice has not been given as required by section 21a ceases to exist at the expiration of the time limited in section 21a for giving notice of claim thereof.

s. 23 (2, 3),
repealed

12. Subsections 2 and 3 of section 23 of the said Act are repealed.

s. 23a,
enacted

13. The said Act is further amended by adding thereto the following section:

Expiration
of liens
against
Crown
and muni-
cipalities

23a. Every lien which by virtue of subsection 2 of section 5 does not attach to the land ceases to exist on the expiration of ninety days after,

- (a) the work has been completed or abandoned;
- (b) the materials have been placed or furnished; or

- (c) the expiry of the period of credit, where such period is mentioned in the notice referred to in section 21a,

unless in the meantime an action under this Act is commenced to realize the claim or in which a subsisting claim may be realized.

- 14.** Section 49 of the said Act is repealed and the following substituted therefor: s. 49, re-enacted

49. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing forms and providing for their use;
- (b) providing for and requiring the posting of notices on building sites;
- (c) prescribing the appropriate offices of the Crown to which notice of a claim for lien must be sent.

- 15.—**(1) This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

- (2) This Act does not apply in respect of work done or materials supplied or furnished under a contract entered into before this Act comes into force or under any sub-contract entered into directly or indirectly under such contract. Application

- 16.** This Act may be cited as *The Mechanics' Lien Amendment Act, 1975*. Short title

An Act to amend
The Mechanics' Lien Act

1st Reading

May 29th, 1975

2nd Reading

June 10th, 1975

3rd Reading

June 10th, 1975

THE HON. J. T. CLEMENT
Attorney General

CA20N

XB

-B56

BILL 93

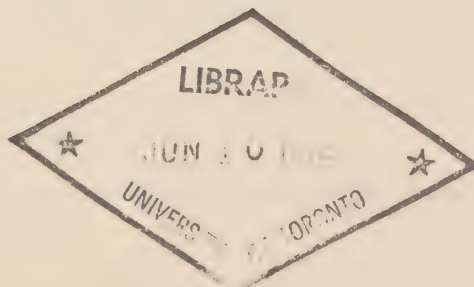
Government
Publication
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
/ //

The Ministry of Transportation and Communications
Creditors Payment Act, 1975

THE HON. J. R. RHODES
Minister of Transportation
and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill makes the provisions of *The Public Works Creditors Payment Act* apply only to contracts of the Ministry of Transportation and Communications. The remaining Ministries are being brought under the procedures of *The Mechanics' Lien Act* by an amendment to that Act.

BILL 93

1975

**The Ministry of Transportation
and Communications Creditors
Payment Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contract" means a written agreement between the Minister and a person for the performance of work and under which the Minister is obligated to pay for the total cost thereof;
- (c) "contractor" means a person who enters into a contract with the Minister;
- (d) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of work as set out in a contract;
- (e) "Minister" means the Minister of Transportation and Communications;
- (f) "Ministry" means the Ministry of Transportation and Communications;
- (g) "person" means an individual, partnership or corporation but does not include a municipal corporation;
- (h) "surety" means a person who guarantees to the Minister the payment of creditors under a bond with the Minister;

- (i) "work" means a construction, reconstruction, improvement, alteration, expansion, addition to, repair or maintenance of property.

Service of
notice of
non-payment

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation to do so under the contract, the creditor may, not later than 120 days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Ministry by registered mail a notice setting out the nature and amount of his claim.

Payment
of claim

(2) The Minister may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Ministry, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Ministry upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Minister may act upon any evidence that he considers sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Minister
may demand
list of
creditors

3. The Minister may, in writing, require a contractor to send to him by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractors
to display
s. 2 (1)

4. Every contractor shall display and keep displayed in a conspicuous place where the work is being performed a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;

- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under subsection 1 or any ^{Application} provision thereof may be made applicable in respect of any class or classes of contractor.

7.—(1) This Act comes into force on a day to be named ^{Commence-} by proclamation of the Lieutenant Governor. ^{ment}

(2) This Act does not apply in respect of contracts ^{Application} entered into before this Act comes into force or to sub-contracts entered into directly or indirectly under such contract.

8. This Act may be cited as *The Ministry of Trans- Short title*
portation and Communications Creditors Payment Act, 1975.

The Ministry of Transportation
and Communications Creditors
Payment Act, 1975

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(*Government Bill*)

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BILL 93

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

The Ministry of Transportation and Communications
Creditors Payment Act, 1975

Ontario. Legislative Assembly

THE HON. J. R. RHODES
Minister of Transportation
and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 93

1975

**The Ministry of Transportation
and Communications Creditors
Payment Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contract" means a written agreement between the Minister and a person for the performance of work and under which the Minister is obligated to pay for the total cost thereof;
- (c) "contractor" means a person who enters into a contract with the Minister;
- (d) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of work as set out in a contract;
- (e) "Minister" means the Minister of Transportation and Communications;
- (f) "Ministry" means the Ministry of Transportation and Communications;
- (g) "person" means an individual, partnership or corporation but does not include a municipal corporation;
- (h) "surety" means a person who guarantees to the Minister the payment of creditors under a bond with the Minister;

- (i) "work" means a construction, reconstruction, improvement, alteration, expansion, addition to, repair or maintenance of property.

Service of
notice of
non-payment

2.—(1) Where a contractor does not pay a creditor in accordance with his obligation to do so under the contract, the creditor may, not later than 120 days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Ministry by registered mail a notice setting out the nature and amount of his claim.

Payment
of claim

(2) The Minister may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Ministry, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall pay to the Ministry upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Minister may act upon any evidence that he considers sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them.

Minister
may demand
list of
creditors

3. The Minister may, in writing, require a contractor to send to him by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors.

Contractors
to display
s. 2 (1)

4. Every contractor shall display and keep displayed in a conspicuous place where the work is being performed a copy of subsection 1 of section 2.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;

- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any regulation made under subsection 1 or any ^{Application} provision thereof may be made applicable in respect of any class or classes of contractor.

7.—(1) This Act comes into force on a day to be named ^{Commence-} by proclamation of the Lieutenant Governor. ^{ment}

(2) This Act does not apply in respect of contracts ^{Application} entered into before this Act comes into force or to sub-contracts entered into directly or indirectly under such contract.

8. This Act may be cited as *The Ministry of Trans-* ^{Short title} *portation and Communications Creditors Payment Act, 1975.*

The Ministry of Transportation
and Communications Creditors
Payment Act, 1975

1st Reading

May 29th, 1975

2nd Reading

June 10th, 1975

3rd Reading

June 10th, 1975

THE HON. J. R. RHODES
Minister of Transportation
and Communications

CA20N
XB
-B 56

BILL 94

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

~~Government~~
Publications

~~Ontario~~ Legislative Assembly

An Act to repeal
The Public Works Creditors Payment Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill is complementary to a Bill to amend *The Mechanics' Lien Act* and a Bill to enact *The Ministry of Transportation and Communications Creditors Payment Act, 1975*. The provisions repealed are re-enacted, with necessary modification of language, in the Bill to enact *The Ministry of Transportation and Communications Creditors Payment Act, 1975* and limited to apply only to that Ministry.

BILL 94

1975

An Act to repeal The Public Works Creditors Payment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Works Creditors Payment Act*, being chapter ^{Act repealed} 394 of the Revised Statutes of Ontario, 1970, is repealed.

2.—(1) This Act comes into force on a day to be named ^{Commence-}ment by proclamation of the Lieutenant Governor.

(2) Notwithstanding subsection 1, *The Public Works Creditors Payment Act* continues to apply in respect of work done or materials supplied or furnished under a contract entered into before this Act comes into force and under any sub-contract entered into directly or indirectly under such a contract. ^{Application}

3. This Act may be cited as *The Public Works Creditors Payment Repeal Act, 1975*. ^{Short title}

An Act to repeal
The Public Works Creditors Payment Act

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. J. T. CLEMENT
Attorney General

(Government Bill)

CA20N

XB

-B 56

BILL 94

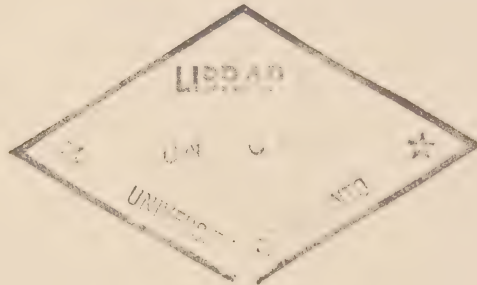
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to repeal
The Public Works Creditors Payment Act

THE HON. J. T. CLEMENT
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 94

1975

An Act to repeal The Public Works Creditors Payment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Works Creditors Payment Act*, being chapter ^{Act} 394 of the Revised Statutes of Ontario, 1970, is repealed. ^{repealed}

2.—(1) This Act comes into force on a day to be named ^{Commence-} by proclamation of the Lieutenant Governor. ^{ment}

(2) Notwithstanding subsection 1, *The Public Works Creditors Payment Act* continues to apply in respect of work done or materials supplied or furnished under a contract entered into before this Act comes into force and under any sub-contract entered into directly or indirectly under such a contract. ^{Application}

3. This Act may be cited as *The Public Works Creditors Payment Repeal Act, 1975*. ^{Short title}

An Act to repeal
The Public Works Creditors Payment Act

1st Reading

May 29th, 1975

2nd Reading

June 10th, 1975

3rd Reading

June 10th, 1975

THE HON. J. T. CLEMENT
Attorney General

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definition of "physician" is re-enacted to clarify that a medical practitioner, for the purposes of this Act, must be qualified to practise medicine in the place where medical services are rendered by him.

SECTION 2.—Subsection 1. The amendment provides that the practitioner review committee for each discipline is a committee of the governing body of the discipline. This is parallel to the provision in respect of the Medical Review Committee in subsection 1 of section 5 of the Act.

Subsection 2. The amendment is complementary to subsection 1 of this section of the Bill. Subsection 6 of section 5*a* of the Act is parallel to subsection 4 of section 5 of the Act.

SECTION 3. The section provides for the submission of accounts to the Plan by practitioners engaged in the practice of disciplines designated by the regulations in a manner similar to that provided for physicians under section 20 of the Act.

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Health Insurance Act, 1972*, ^{s. 1 (k), re-enacted} being chapter 91, is repealed and the following substituted therefor:

(k) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place where medical services are rendered by him.

- 2.—(1) Section 5a of the said Act, as enacted by the Statutes of ^{s. 5a, amended} Ontario, 1974, chapter 60, section 2, is amended by adding thereto the following subsection:

(1a) Every practitioner review committee is a committee ^{Committee of board or college} of the board or college that nominates persons appointed as members of the committee.

- (2) Subsection 6 of the said section 5a is amended by striking ^{s. 5a (6), amended} out "or the Appeal Board" in the fifth and sixth lines and inserting in lieu thereof "the Appeal Board or the board or college of which it is a committee".

3. The said Act is amended by adding thereto the following ^{s. 20a, enacted} section:

20a.—(1) A practitioner engaged in the practice of a ^{Billing by practitioner} discipline designated by the regulations may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations.

Methods of
billing
prohibited

(2) Where a practitioner submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.

Require-
ments where
Plan billed

(3) Where a practitioner submits his accounts directly to the Plan under this section,

- (a) payment thereof shall be made directly to him;
- (b) he shall not submit any account for any amount to the patient in respect of insured services; and
- (c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A practitioner may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not
to pay
directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any practitioner engaged in the practice of a discipline designated by the regulations who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision

(6) Every practitioner engaged in the practice of a discipline designated by the regulations who was submitting his accounts directly to the Plan immediately before the discipline is designated by the regulations for the purpose of this section shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

s. 22 (2),
amended

4.—(1) Subsection 2 of section 22 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is amended,

- (a) by inserting after "reimbursement" in the seventeenth line "from the physician"; and
- (b) by inserting after "28" in the eighteenth line "and subsections 3 to 9 of section 29".

SECTION 4.—Subsection 1. Subsection 2 of section 22 of the Act provides that the Medical Review Committee may recommend to the General Manager of the Plan that he require and recover reimbursement of any overpayment by the Plan. The amendment provides that the recommendation be for reimbursement from the physician who rendered the service referred to the Committee. The amendment to refer to section 29 of the Act is complementary to the amendment to section 29 contained in this Bill.

Subsection 2. Subsection 3 of section 22 of the Act is a parallel provision in respect of practitioner review committees and practitioners.

SECTION 5. The amendment provides for notice to a physician or practitioner where the General Manager carries out a recommendation of the Medical Review Committee or a practitioner review committee pursuant to subsection 2 or 3 of section 22 of the Act.

SECTION 6. Section 26 of the Act, which states who are parties to a hearing before the Health Services Appeal Board, is re-enacted to state who are parties to a hearing where the General Manager acts under clause *d* of subsection 1 of section 24 of the Act.

SECTION 7.—Subsection 1. The subsection is amended to include the case where the General Manager carries out a recommendation of the Medical Review Committee or a practitioner review committee to require and recover reimbursement of any overpayment by the Plan. This is complementary to the amendment of subsection 1 of section 24 of the Act by this Bill.

(2) Subsection 3 of the said section 22, as enacted by the ^{s. 22 (3),} Statutes of Ontario, 1974, chapter 60, section 5, is amended,

(a) by inserting after "reimbursement" in the twenty-first line "from the practitioner"; and

(b) by inserting after "28" in the twenty-third line "and subsections 3 to 9 of section 29".

5. Subsection 1 of section 24 of the said Act, as amended by the ^{s. 24 (1),} Statutes of Ontario, 1974, chapter 60, section 6, is further amended,

(a) by adding thereto the following clause:

(d) carries out a recommendation of the Medical Review Committee or a practitioner review committee that he require and recover reimbursement of any overpayment by the Plan,

and,

(b) by striking out "applicant or claimant" in the eighth and ninth lines and inserting in lieu thereof "applicant, claimant, physician or practitioner, as the case may be".

6. Section 26 of the said Act is repealed and the following sub- ^{s. 26,}stituted therefor: ^{re-enacted}

26. The General Manager and,

Parties

(a) in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, the applicant;

(b) in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, the insured person and his physician or practitioner; or

(c) in the case of the carrying out of a recommendation under clause *d* of subsection 1 of section 24, the insured person and his physician or practitioner and the Medical Review Committee or practitioner review committee, as the case may be,

and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

7.—(1) Subsection 1 of section 29 of the said Act, as amended by ^{s. 29 (1),} the Statutes of Ontario, 1974, chapter 60, section 7, is ^{re-enacted} repealed and the following substituted therefor:

Furnishing
reasons to
professional
governing
body

(1) Where a decision of the General Manager to refuse or reduce a payment or to require and recover reimbursement of any overpayment of any amount paid by the Plan on any of the grounds referred to in clauses *a* to *d* of subsection 2 or 3 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

s. 29 (3),
re-enacted

(2) Subsection 3 of the said section 29, as enacted by the Statutes of Ontario, 1974, chapter 60, section 7, is repealed and the following substituted therefor:

Notice

(3) Where a decision of the General Manager to carry out a recommendation referred to in clause *d* of subsection 1 of section 24 has become final in respect of a physician or practitioner who is not submitting his accounts directly to the Plan, the General Manager may serve notice on the physician or practitioner of the amount of the overpayment to be recovered by the General Manager from the physician or practitioner.

Contents
of notice

(4) A notice under subsection 3 shall set out or be accompanied by a written statement that identifies each of the insured services and the amount paid by the Plan for each of the services, and the notice shall inform the physician or practitioner that he is entitled to a hearing by the Appeal Board in respect of the services for the purpose of ensuring that the amount to be recovered from the physician or practitioner in respect of each of the services does not exceed the amount received by the physician or practitioner for the service if the physician or practitioner mails or delivers to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Duty of
Board

(5) On a hearing under this section, the Appeal Board shall determine the amount received by the physician or practitioner for each service identified in the statement mentioned in subsection 4, and the amount of the reimbursement to the Plan to be recovered from the physician or practitioner in respect of each of the services shall not exceed the amount that the Appeal Board determines was received by the physician or practitioner for the service.

Subsection 2. Subsection 3 of section 29 of the Act applies to the recovery of money paid by the Plan for services by physicians or practitioners who do not submit their accounts directly to the Plan where the claim is reduced by the General Manager and provides for the recovery by court action. The amendment provides that a physician or practitioner is given the opportunity of a second hearing to ensure that the amount recovered does not exceed the amount actually received by the physician or practitioner for each such service and then for the filing and enforcement of the decision in the same manner as a judge of the Supreme Court.

SECTION 8. Section 30 of the Act relates to the giving of notice under the Act. Under the amendment, service of notice by registered mail will be considered to be made on the seventh, rather than the third, day after the day of mailing.

SECTION 9.—Subsection 1. New clause *ha* provides for the designation of practitioner disciplines by the regulations and is complementary to new section 20*a* of the Act contained in this Bill.

New clause *ka* provides for the making of regulations prescribing services that shall be insured services or not be insured services depending upon the age groups of the persons receiving the services.

(6) The General Manager, the physician or practitioner ^{Parties} and such other persons as the Appeal Board may specify are parties to the proceedings before the Appeal Board under this section.

(7) Subsection 2 of section 25 and sections 27 and 28 ^{Application of ss. 25 (2), 27, 28} apply to proceedings before the Appeal Board under this section.

(8) Where notice is served pursuant to subsection 3 and no hearing is required or no appeal is taken or the decision referred to in subsection 3 is confirmed or varied upon a hearing or an appeal, the General Manager may file a copy of the decision or of the decision as confirmed or varied, including the amount to be recovered from the physician or practitioner by the General Manager for reimbursement to the Plan and excluding the reasons for the decision or for the decision as confirmed or varied, in the office of the Registrar of the Supreme Court and the decision shall be entered and is enforceable in the same way as a judgment of the Supreme Court. ^{Decision may be filed and enforced}

(9) Where the Appeal Board or the Supreme Court extends the time for a hearing or an appeal and a decision has been filed in the office of the Registrar of the Supreme Court, the Appeal Board or the Supreme Court, as the case may be, may stay the enforcement of the decision pending the hearing or appeal. ^{Stay of enforcement of decision}

8. Section 30 of the said Act is amended by striking out "third" ^{s. 30, amended} in the sixth line and inserting in lieu thereof "seventh".

9.—(1) Subsection 1 of section 51 of the said Act, as amended ^{s. 51 (1), amended} by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following clauses:

(ha) designating disciplines for the purpose of section 20a;

(ka) prescribing services that, notwithstanding any provision of this Act, shall be deemed,

(i) not to be insured services in respect of prescribed age groups of insured persons, or

(ii) to be insured services only in respect of prescribed age groups of insured persons,

but no service or age group shall be prescribed under this clause that disqualifies the Plan as a medical care insurance plan under the *Medical Care* ^{R.S.C. 1970, c. M-8} Act (Canada).

s. 51,
amended

(2) The said section 51, as amended by the Statutes of Ontario, 1974, chapter 60, section 12 and chapter 86, section 4, is further amended by adding thereto the following subsection:

When
regulation
may be
effective

(3) A regulation is, if it so provides, effective with reference to a period before it is filed.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Health Insurance Amendment Act, 1975*.

Subsection 2. Self-explanatory.

An Act to amend
The Health Insurance Act, 1972

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

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-B56

Publications

BILL 95

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The definition of "physician" is re-enacted to clarify that a medical practitioner, for the purposes of this Act, must be qualified to practise medicine in the place where medical services are rendered by him.

SECTION 2.—Subsection 1. The amendment provides that the practitioner review committee for each discipline is a committee of the governing body of the discipline. This is parallel to the provision in respect of the Medical Review Committee in subsection 1 of section 5 of the Act.

Subsection 2. The amendment is complementary to subsection 1 of this section of the Bill. Subsection 6 of section 5a of the Act is parallel to subsection 4 of section 5 of the Act.

SECTION 3. The section provides for the submission of accounts to the Plan by practitioners engaged in the practice of disciplines designated by the regulations in a manner similar to that provided for physicians under section 20 of the Act.

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Health Insurance Act, 1972*, ^{s. 1 (k), re-enacted} being chapter 91, is repealed and the following substituted therefor:

(*k*) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place where medical services are rendered by him.

- 2.—(1) Section 5a of the said Act, as enacted by the Statutes of ^{s. 5a, amended} Ontario, 1974, chapter 60, section 2, is amended by adding thereto the following subsection:

(1a) Every practitioner review committee is a committee ^{Committee of board or college} of the board or college that nominates persons appointed as members of the committee.

- (2) Subsection 6 of the said section 5a is amended by striking ^{s. 5a (6), amended} out "or the Appeal Board" in the fifth and sixth lines and inserting in lieu thereof "the Appeal Board or the board or college of which it is a committee".

3. The said Act is amended by adding thereto the following ^{s. 20a, enacted} section:

20a.—(1) A practitioner engaged in the practice of a ^{Billing by practitioner} discipline designated by the regulations may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations.

Methods of
billing
prohibited

(2) Where a practitioner submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.

Require-
ments where
Plan billed

(3) Where a practitioner submits his accounts directly to the Plan under this section,

- (a) payment thereof shall be made directly to him;
- (b) he shall not submit any account for any amount to the patient in respect of insured services; and
- (c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A practitioner may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not
to pay
directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any practitioner engaged in the practice of a discipline designated by the regulations who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision

(6) Every practitioner engaged in the practice of a discipline designated by the regulations who was submitting his accounts directly to the Plan immediately before the discipline is designated by the regulations for the purpose of this section shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

s. 22 (2),
amended

4.—(1) Subsection 2 of section 22 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is amended,

- (a) by inserting after "reimbursement" in the seventeenth line "from the physician"; and
- (b) by inserting after "28" in the eighteenth line "and subsections 3 to 9 of section 29".

SECTION 4.—Subsection 1. Subsection 2 of section 22 of the Act provides that the Medical Review Committee may recommend to the General Manager of the Plan that he require and recover reimbursement of any overpayment by the Plan. The amendment provides that the recommendation be for reimbursement from the physician who rendered the service referred to the Committee. The amendment to refer to section 29 of the Act is complementary to the amendment to section 29 contained in this Bill.

Subsection 2. Subsection 3 of section 22 of the Act is a parallel provision in respect of practitioner review committees and practitioners.

SECTION 5. The amendment provides for notice to a physician or practitioner where the General Manager carries out a recommendation of the Medical Review Committee or a practitioner review committee pursuant to subsection 2 or 3 of section 22 of the Act.

SECTION 6. Section 26 of the Act, which states who are parties to a hearing before the Health Services Appeal Board, is re-enacted to state who are parties to a hearing where the General Manager acts under clause *d* of subsection 1 of section 24 of the Act.

SECTION 7.—Subsection 1. The subsection is amended to include the case where the General Manager carries out a recommendation of the Medical Review Committee or a practitioner review committee to require and recover reimbursement of any overpayment by the Plan. This is complementary to the amendment of subsection 1 of section 24 of the Act by this Bill.

(2) Subsection 3 of the said section 22, as enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is ^{s. 22 (3),} amended, amended,

(a) by inserting after "reimbursement" in the twenty-first line "from the practitioner"; and

(b) by inserting after "28" in the twenty-third line "and subsections 3 to 9 of section 29".

5. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 6, is further ^{s. 24 (1),} amended, amended,

(a) by adding thereto the following clause:

(d) carries out a recommendation of the Medical Review Committee or a practitioner review committee that he require and recover reimbursement of any over-payment by the Plan,

and,

(b) by striking out "applicant or claimant" in the eighth and ninth lines and inserting in lieu thereof "applicant, claimant, physician or practitioner, as the case may be".

6. Section 26 of the said Act is repealed and the following sub- ^{s. 26,}stituted therefor: re-enacted

26. The General Manager and,

Parties

(a) in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, the applicant;

(b) in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, the insured person and his physician or practitioner; or

(c) in the case of the carrying out of a recommendation under clause *d* of subsection 1 of section 24, the insured person and his physician or practitioner and the Medical Review Committee or practitioner review committee, as the case may be,

and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

7.—(1) Subsection 1 of section 29 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 7, is ^{s. 29 (1),} repealed and the following substituted therefor: re-enacted

Furnishing
reasons to
professional
governing
body

(1) Where a decision of the General Manager to refuse or reduce a payment or to require and recover reimbursement of any overpayment of any amount paid by the Plan on any of the grounds referred to in clauses *a* to *d* of subsection 2 or 3 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

s. 29 (3),
re-enacted

(2) Subsection 3 of the said section 29, as enacted by the Statutes of Ontario, 1974, chapter 60, section 7, is repealed and the following substituted therefor:

Notice

(3) Where a decision of the General Manager to carry out a recommendation referred to in clause *d* of subsection 1 of section 24 has become final in respect of a physician or practitioner who is not submitting his accounts directly to the Plan, the General Manager may serve notice on the physician or practitioner of the amount of the overpayment to be recovered by the General Manager from the physician or practitioner.

Contents
of notice

(4) A notice under subsection 3 shall set out or be accompanied by a written statement that identifies each of the insured services and the amount paid by the Plan for each of the services, and the notice shall inform the physician or practitioner that he is entitled to a hearing by the Appeal Board in respect of the services for the purpose of ensuring that the amount to be recovered from the physician or practitioner in respect of each of the services does not exceed the amount received by the physician or practitioner for the service if the physician or practitioner mails or delivers to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Duty of
Board

(5) On a hearing under this section, the Appeal Board shall determine the amount received by the physician or practitioner for each service identified in the statement mentioned in subsection 4, and the amount of the reimbursement to the Plan to be recovered from the physician or practitioner in respect of each of the services shall not exceed the amount that the Appeal Board determines was received by the physician or practitioner for the service.

Subsection 2. Subsection 3 of section 29 of the Act applies to the recovery of money paid by the Plan for services by physicians or practitioners who do not submit their accounts directly to the Plan where the claim is reduced by the General Manager and provides for the recovery by court action. The amendment provides that a physician or practitioner is given the opportunity of a second hearing to ensure that the amount recovered does not exceed the amount actually received by the physician or practitioner for each such service and then for the filing and enforcement of the decision in the same manner as a judge of the Supreme Court.

SECTION 8. Section 30 of the Act relates to the giving of notice under the Act. Under the amendment, service of notice by registered mail will be considered to be made on the seventh, rather than the third, day after the day of mailing.

SECTION 9.—Subsection 1. New clause *ha* provides for the designation of practitioner disciplines by the regulations and is complementary to new section 20*a* of the Act contained in this Bill.

New clause *ka* provides for the making of regulations prescribing services that shall be insured services or not be insured services depending upon the age groups of the persons receiving the services.

(6) The General Manager, the physician or practitioner ^{Parties} and such other persons as the Appeal Board may specify are parties to the proceedings before the Appeal Board under this section.

(7) Subsection 2 of section 25 and sections 27 and 28 ^{Application of ss. 25 (2), 27, 28} apply to proceedings before the Appeal Board under this section.

(8) Where notice is served pursuant to subsection 3 and no hearing is required or no appeal is taken or the decision referred to in subsection 3 is confirmed or varied upon a hearing or an appeal, the General Manager may file a copy of the decision or of the decision as confirmed or varied, including the amount to be recovered from the physician or practitioner by the General Manager for reimbursement to the Plan and excluding the reasons for the decision or for the decision as confirmed or varied, in the office of the Registrar of the Supreme Court and the decision shall be entered and is enforceable in the same way as a judgment of the Supreme Court. ^{Decision may be filed and enforced}

(9) Where the Appeal Board or the Supreme Court ^{Stay of enforcement of decision} extends the time for a hearing or an appeal and a decision has been filed in the office of the Registrar of the Supreme Court, the Appeal Board or the Supreme Court, as the case may be, may stay the enforcement of the decision pending the hearing or appeal.

8. Section 30 of the said Act is amended by striking out "third" ^{s. 30, amended} in the sixth line and inserting in lieu thereof "seventh".

9.—(1) Subsection 1 of section 51 of the said Act, as amended ^{s. 51 (1), amended} by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following clauses:

(ha) designating disciplines for the purpose of section 20a;

.

(ka) prescribing services that, notwithstanding any provision of this Act, shall be deemed,

(i) not to be insured services in respect of prescribed age groups of insured persons, or

(ii) to be insured services only in respect of prescribed age groups of insured persons,

but no service or age group shall be prescribed under this clause that disqualifies the Plan as a medical care insurance plan under the *Medical Care Act* (Canada). ^{R.S.C. 1970, c. M-8}

s. 51 (1),
amended

(2) Subsection 1 of the said section 51 is further amended by adding thereto the following clauses:

(na) providing for the times when and manner in which practitioners may submit accounts directly to the Plan under section 20a;

(oa) exempting any class of accounts from the application of section 20a or any provision thereof.

s. 51.
amended

(3) The said section 51, as amended by the Statutes of Ontario, 1974, chapter 60, section 12 and chapter 86, section 4, is further amended by adding thereto the following subsection:

When
regulation
may be
effective



(3) A regulation is, if it so provides, effective with reference to a period before it is filed.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Health Insurance Amendment Act, 1975*.

 Subsection 2. Clauses *na* and *oa* are complementary to subsection 1 of section 20*a* of the Act set out in section 3 of the Bill and are similar to clauses *n* and *o* which apply to physicians. 

Subsection 3. Self-explanatory.

An Act to amend
The Health Insurance Act, 1972

1st Reading

May 29th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

THE HON. F. S. MILLER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

CA20N

XB

-B 56

BILL 95

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Health Insurance Act, 1972

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Health Insurance Act, 1972*, <sup>s. 1 (k),
re-enacted</sup> being chapter 91, is repealed and the following substituted therefor:

(*k*) "physician" means a legally qualified medical practitioner lawfully entitled to practise medicine in the place where medical services are rendered by him.

- 2.—(1) Section 5*a* of the said Act, as enacted by the Statutes of <sup>s. 5*a*,
amended</sup> Ontario, 1974, chapter 60, section 2, is amended by adding thereto the following subsection:

(1*a*) Every practitioner review committee is a committee <sup>Committee
of board
or college</sup> of the board or college that nominates persons appointed as members of the committee.

- (2) Subsection 6 of the said section 5*a* is amended by striking <sup>s. 5*a* (6),
amended</sup> out "or the Appeal Board" in the fifth and sixth lines and inserting in lieu thereof "the Appeal Board or the board or college of which it is a committee".

3. The said Act is amended by adding thereto the following <sup>s. 20*a*,
enacted</sup> section:

20*a*.—(1) A practitioner engaged in the practice of a <sup>Billing by
practitioner</sup> discipline designated by the regulations may submit his accounts for the performance of insured services directly to the Plan for payment thereof directly to him by notifying the General Manager of his intention to do so in the manner and subject to the requirements prescribed by the regulations.

Methods of
billing
prohibited

(2) Where a practitioner submits his accounts directly to the Plan under this section, he shall thereafter submit all his accounts for the performance of insured services directly to the Plan in accordance with and subject to the requirements of this Act and the regulations.

Require-
ments where
Plan billed

(3) Where a practitioner submits his accounts directly to the Plan under this section,

- (a) payment thereof shall be made directly to him;
- (b) he shall not submit any account for any amount to the patient in respect of insured services; and
- (c) the payment by the Plan for the insured services performed constitutes payment in full of the account therefor.

Notification
about leaving
Plan

(4) A practitioner may at any time notify the General Manager in writing that he intends to cease submitting his accounts directly to the Plan and subsection 3 ceases to apply to him on and after the first day of the third month next following the month in which the General Manager receives such notification.

Plan not
to pay
directly

(5) The General Manager shall not make any payment in respect of the performance of insured services directly to any practitioner engaged in the practice of a discipline designated by the regulations who does not submit his accounts therefor directly to the Plan under this section.

Transitional
provision

(6) Every practitioner engaged in the practice of a discipline designated by the regulations who was submitting his accounts directly to the Plan immediately before the discipline is designated by the regulations for the purpose of this section shall be considered to be one who is submitting his accounts directly to the Plan under this Act.

s. 22 (2),
amended

4.—(1) Subsection 2 of section 22 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is amended,

- (a) by inserting after "reimbursement" in the seventeenth line "from the physician"; and
- (b) by inserting after "28" in the eighteenth line "and subsections 3 to 9 of section 29".

- (2) Subsection 3 of the said section 22, as enacted by the Statutes of Ontario, 1974, chapter 60, section 5, is amended, ^{s. 22 (3), amended}

(a) by inserting after "reimbursement" in the twenty-first line "from the practitioner"; and

(b) by inserting after "28" in the twenty-third line "and subsections 3 to 9 of section 29".

5. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 6, is further amended, ^{s. 24 (1), amended}

(a) by adding thereto the following clause:

(d) carries out a recommendation of the Medical Review Committee or a practitioner review committee that he require and recover reimbursement of any overpayment by the Plan,

and,

(b) by striking out "applicant or claimant" in the eighth and ninth lines and inserting in lieu thereof "applicant, claimant, physician or practitioner, as the case may be".

6. Section 26 of the said Act is repealed and the following substituted therefor: ^{s. 26, re-enacted}

26. The General Manager and,

Parties

(a) in the case of a refusal under clause *a* or *b* of subsection 1 of section 24, the applicant;

(b) in the case of a refusal or reduction under clause *c* of subsection 1 of section 24, the insured person and his physician or practitioner; or

(c) in the case of the carrying out of a recommendation under clause *d* of subsection 1 of section 24, the insured person and his physician or practitioner and the Medical Review Committee or practitioner review committee, as the case may be,

and such other persons as the Appeal Board may specify, are parties to proceedings before the Appeal Board.

- 7.—(1) Subsection 1 of section 29 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 60, section 7, is repealed and the following substituted therefor: ^{s. 29 (1), re-enacted}

Furnishing
reasons to
professional
governing
body

(1) Where a decision of the General Manager to refuse or reduce a payment or to require and recover reimbursement of any overpayment of any amount paid by the Plan on any of the grounds referred to in clauses *a* to *d* of subsection 2 or 3 of section 22 has become final, the General Manager shall furnish the Minister and the governing body of the profession of which the physician or practitioner rendering the services is a member with a copy of the decision and the reasons therefor, and in all other cases the General Manager may furnish such governing body with a copy of the decision and the reasons therefor.

s. 29 (3),
re-enacted

(2) Subsection 3 of the said section 29, as enacted by the Statutes of Ontario, 1974, chapter 60, section 7, is repealed and the following substituted therefor:

Notice

(3) Where a decision of the General Manager to carry out a recommendation referred to in clause *d* of subsection 1 of section 24 has become final in respect of a physician or practitioner who is not submitting his accounts directly to the Plan, the General Manager may serve notice on the physician or practitioner of the amount of the overpayment to be recovered by the General Manager from the physician or practitioner.

Contents
of notice

(4) A notice under subsection 3 shall set out or be accompanied by a written statement that identifies each of the insured services and the amount paid by the Plan for each of the services, and the notice shall inform the physician or practitioner that he is entitled to a hearing by the Appeal Board in respect of the services for the purpose of ensuring that the amount to be recovered from the physician or practitioner in respect of each of the services does not exceed the amount received by the physician or practitioner for the service if the physician or practitioner mails or delivers to the General Manager and to the Appeal Board, within fifteen days after the notice is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Duty of
Board

(5) On a hearing under this section, the Appeal Board shall determine the amount received by the physician or practitioner for each service identified in the statement mentioned in subsection 4, and the amount of the reimbursement to the Plan to be recovered from the physician or practitioner in respect of each of the services shall not exceed the amount that the Appeal Board determines was received by the physician or practitioner for the service.

(6) The General Manager, the physician or practitioner ^{Parties} and such other persons as the Appeal Board may specify are parties to the proceedings before the Appeal Board under this section.

(7) Subsection 2 of section 25 and sections 27 and 28 ^{Application of ss. 25 (2), 27, 28} apply to proceedings before the Appeal Board under this section.

(8) Where notice is served pursuant to subsection 3 and no hearing is required or no appeal is taken or the decision referred to in subsection 3 is confirmed or varied upon a hearing or an appeal, the General Manager may file a copy of the decision or of the decision as confirmed or varied, including the amount to be recovered from the physician or practitioner by the General Manager for reimbursement to the Plan and excluding the reasons for the decision or for the decision as confirmed or varied, in the office of the Registrar of the Supreme Court and the decision shall be entered and is enforceable in the same way as a judgment of the Supreme Court. ^{Decision may be filed and enforced}

(9) Where the Appeal Board or the Supreme Court extends the time for a hearing or an appeal and a decision has been filed in the office of the Registrar of the Supreme Court, the Appeal Board or the Supreme Court, as the case may be, may stay the enforcement of the decision pending the hearing or appeal. ^{Stay of enforcement of decision}

8. Section 30 of the said Act is amended by striking out "third" ^{s. 30, amended} in the sixth line and inserting in lieu thereof "seventh".

9.—(1) Subsection 1 of section 51 of the said Act, as amended ^{s. 51 (1), amended} by the Statutes of Ontario, 1974, chapter 60, section 12, is further amended by adding thereto the following clauses:

(ha) designating disciplines for the purpose of section 20a;

(ka) prescribing services that, notwithstanding any provision of this Act, shall be deemed,

(i) not to be insured services in respect of prescribed age groups of insured persons, or

(ii) to be insured services only in respect of prescribed age groups of insured persons,

but no service or age group shall be prescribed under this clause that disqualifies the Plan as a medical care insurance plan under the *Medical Care Act* (Canada). ^{R.S.C. 1970, c. M-8}

s. 51 (1),
amended

(2) Subsection 1 of the said section 51 is further amended by adding thereto the following clauses:

(na) providing for the times when and manner in which practitioners may submit accounts directly to the Plan under section 20a;

.

(oa) exempting any class of accounts from the application of section 20a or any provision thereof.

s. 51,
amended

(3) The said section 51, as amended by the Statutes of Ontario, 1974, chapter 60, section 12 and chapter 86, section 4, is further amended by adding thereto the following subsection:

When
regulation
may be
effective

(3) A regulation is, if it so provides, effective with reference to a period before it is filed.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Health Insurance Amendment Act, 1975*.

An Act to amend
The Health Insurance Act, 1972

1st Reading

May 29th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. F. S. MULLER
Minister of Health

CA20N

XB

-B56

BILL 96

Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

An Act to amend
The Ministry of Health Act, 1972

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment authorizes the Minister to delegate the power to make agreements to the Deputy Minister or to officers of the Ministry. The reference in new subsection 4 is to section 5 of *The Executive Council Act* which states that "No contract is binding on Her Majesty or shall be deemed to be the act of (the) Minister unless it is signed by him".

SECTION 2. Section 10 of the Act provides for actions that may be taken by the Minister where moneys are appropriated therefor by the Legislature.

SECTION 3. Section 12 of the Act provides for the making of regulations for the purposes set out in the clauses.

An Act to amend The Ministry of Health Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ministry of Health Act, 1972*, being chapter 92, ^{s. 3, amended} is amended by adding thereto the following subsections:

(3) Where, under this or any other Act, power to make an agreement is granted to or vested in the Minister, he may, in writing, delegate that power to the Deputy Minister or to any officer or officers of the Ministry subject to such limitations, conditions and requirements as the Minister may set out in the delegation. ^{Delegation of authority}

(4) Notwithstanding *The Executive Council Act*, an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister. ^{Effect of R.S.O. 1970, c. 153}

2. Section 10 of the said Act is amended by adding thereto the ^{s. 10, amended} following clauses:

(f) establish, maintain and operate facilities for the diagnosis, surveillance and treatment of tuberculosis and for the diagnosis and surveillance of miners' chest diseases and other respiratory diseases;

(g) provide payment to physicians and other persons for the administration of treatment to outpatients suffering from tuberculosis.

3. Section 12 of the said Act is amended by adding thereto the ^{s. 12, amended} following clause:

(h) governing the establishment, maintenance, operation and use of and the treatment provided in facilities for the diagnosis, surveillance and treat-

ment of tuberculosis, and governing the establishment, maintenance, operation and use of facilities for the diagnosis and surveillance of miners' chest diseases.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ministry of Health Amendment Act, 1975*.

An Act to amend
The Ministry of Health Act, 1972

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

CA20N
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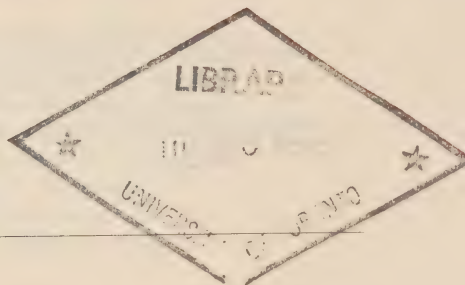
BILL 96

Government
Publication
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

**An Act to amend
The Ministry of Health Act, 1972**



THE HON. F. S. MILLER
Minister of Health

(Reprinted as amended by the Committee of the Whole House)

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SECTION 2. Section 10 of the Act provides for actions that may be taken by the Minister where moneys are appropriated therefor by the Legislature.

SECTION 3. Section 12 of the Act provides for the making of regulations for the purposes set out in the clauses.

BILL 96

1975

**An Act to amend
The Ministry of Health Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ministry of Health Act, 1972*, being chapter 92, ^{s. 3, amended} is amended by adding thereto the following subsections:

(3) Where, under this or any other Act, power to make ^{Delegation of authority} an agreement is granted to or vested in the Minister, he may, in writing, delegate that power to the Deputy Minister or to any officer or officers of the Ministry subject to such limitations, conditions and requirements as the Minister may set out in the delegation.

(4) Notwithstanding *The Executive Council Act*, an agree- ^{Effect of R.S.O. 1970, c. 153} ment made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister.

2. Section 10 of the said Act is amended by adding thereto the ^{s. 10, amended} following clauses:

(f) establish, maintain and operate facilities for the diagnosis, surveillance and treatment of tuberculosis and for the diagnosis and surveillance of other respiratory diseases;

(g) provide payment to physicians and other persons for the administration of treatment to outpatients suffering from tuberculosis.

3. Section 12 of the said Act is amended by adding thereto the ^{s. 12, amended} following clause:

(h) governing the establishment, maintenance, operation and use of and the treatment provided in facilities for the diagnosis, surveillance and treat-

ment of tuberculosis, and governing the establishment, maintenance, operation and use of facilities for the diagnosis and surveillance of other respiratory diseases.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ministry of Health Amendment Act, 1975*.

An Act to amend
The Ministry of Health Act, 1972

1st Reading

May 29th, 1975

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THE HON. F. S. MILLER
Minister of Health

*(Reprinted as amended by the
Committee of the Whole House)*

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Ministry of Health Act, 1972

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Ministry of Health Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Ministry of Health Act, 1972*, being chapter 92, ^{s. 3, amended} is amended by adding thereto the following subsections:

(3) Where, under this or any other Act, power to make an agreement is granted to or vested in the Minister, he may, in writing, delegate that power to the Deputy Minister or to any officer or officers of the Ministry subject to such limitations, conditions and requirements as the Minister may set out in the delegation. ^{Delegation of authority}

(4) Notwithstanding *The Executive Council Act*, an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Minister. ^{Effect of R.S.O. 1970, c. 153}

2. Section 10 of the said Act is amended by adding thereto the following clauses: ^{s. 10, amended}

(f) establish, maintain and operate facilities for the diagnosis, surveillance and treatment of tuberculosis and for the diagnosis and surveillance of other respiratory diseases;

(g) provide payment to physicians and other persons for the administration of treatment to outpatients suffering from tuberculosis.

3. Section 12 of the said Act is amended by adding thereto the following clause: ^{s. 12, amended}

(h) governing the establishment, maintenance, operation and use of and the treatment provided in facilities for the diagnosis, surveillance and treat-

ment of tuberculosis, and governing the establishment, maintenance, operation and use of facilities for the diagnosis and surveillance of other respiratory diseases.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ministry of Health Amendment Act, 1975*.

An Act to amend
The Ministry of Health Act, 1972

1st Reading

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July 3rd, 1975

THE HON. F. S. MULLER
Minister of Health

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to provide for Freedom of Information

MR. MACDONALD



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide the public access to Government documents without cost.

BILL 97

1975

An Act to provide for Freedom of Information

WHEREAS it is in the public interest of the Province Preamble
of Ontario, subject to the limitations set out herein,
that all persons have access to all official documents;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In this Act,

Interpre-
tation

- (a) "document" means any document including any opinion, record, proceeding, map, drawing or picture, regardless of form or characteristic;
- (b) "official document" means a document kept by a Ministry of the Government of Ontario or a board, agency or Commission of the Government of Ontario whether received or prepared by such Ministry, board, agency or Commission and includes any document which is prepared as a result of the spending of public moneys.

2. Subject to section 3, a Ministry or a board, agency or Commission of the Government of Ontario shall upon request Access to
official
document
and without cost make available as soon as possible any identifiable official document to any person who wants to examine or copy it.

3. The following documents are exempt from the provi- Exceptions
sions of section 2:

- 1. Legal opinions or advice provided for the use of the Government of Ontario.
- 2. Documents, the release of which would be detrimental to the security of Ontario or Canada.

3. Documents dealing with international relations, the release of which might be detrimental to the future conduct of Ontario's or Canada's foreign relations.
4. Documents, the release of which might be detrimental to the future conduct of federal-provincial relations or the relations of the provinces with one another.
5. Documents, the release of which would result in direct personal financial gain or loss by a person or a group of persons.
6. Documents reflecting on the personal competence or character of an individual.
7. Documents, the release of which would be personally embarrassing to Her Majesty or the Royal Family or official representatives of Her Majesty.
8. Documents relating to negotiations leading up to a contract until the contract has been executed or the negotiations have been concluded.
9. Documents relating to policy decisions under consideration but not yet finalized.
10. Documents that are excluded from disclosure by statute.
11. Executive Council documents.
12. Any proceedings before a court of justice or a judicial inquiry.
13. Any matter which may be exempted by the Regulations.

Release of
documents by
Lieutenant
Governor in
Council

4. Notwithstanding section 3, the Lieutenant Governor in Council may order the release of a document which is exempt where the release of the document is in the public interest.

Application
to
ombudsman

5. Where a person has requested an official document that is not exempt under section 3 and that document is not produced, the person may apply to the ombudsman for a review and public report on the validity of the reasons given for refusing access to the document.

6. The Lieutenant Governor in Council may make regula-^{Regulations}tions exempting any document or class of document from the application of this Act.

7. This Act comes into force on the day it receives Royal^{Commence-}Assent.^{ment}

8. This Act may be cited as *The Freedom of Information*^{Short title}*Act, 1975.*

An Act to provide for
Freedom of Information

1st Reading

May 29th, 1975

2nd Reading

3rd Reading

MR. MACDONALD

(Private Member's Bill)



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